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UNITED STATES OF AMERICA,)
Plaintiff)
)
vs.) No. 1-19-CR-10080
)
GAMAL ABDELAZIZ and JOHN)
WILSON,)
Defendants.)
)
)

Mechanical Steno - Computer-Aided Transcript

1 APPEARANCES:

2
3 Stephen E. Frank

4 Ian J. Stearns

5 Leslie Wright

6 Kristen Kearney

7 United States Attorney's Office

8 1 Courthouse Way

9 Suite 9200

10 Boston, MA 02210

11 617-748-3208

12 stephen.frank@usdoj.gov

13 for the Plaintiff.

14
15
16 Brian T. Kelly

17 Joshua C. Sharp

18 Lauren Maynard

19 Nixon Peabody LLP

20 100 Summer Street

21 Boston, MA 02110

22 617-345-1000

23 bkelly@nixonpeabody.com

24 for Gamal Abdelaziz.

25

1 APPEARANCES:

2
3 Robert L. Sheketoff

4 One McKinley Square

5 Boston, MA 02109

6 617-367-3449

7 sheketoffr@aol.com

8 for Gamal Abdelaziz.

9
10
11 Michael Kendall

12 Lauren M. Papenhausen

13 White & Case, LLP

14 75 State Street

15 Boston, MA 02109

16 617-939-9310

17 michael.kendall@whitecase.com

18 for John Wilson.
19
20
21
22
23
24
25

1 APPEARANCES:

2
3 Andrew E. Tomback

4 McLaughlin & Stern, LLP

5 260 Madison Avenue

6 New York, NY 10016

7 917-301-1285

8 atomback@mclaughlinstern.com

9 for John Wilson.

10

11

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P R O C E E D I N G S

THE CLERK: You may be seated. Court is now in session.

THE COURT: Good morning, counsel. Before we begin, overnight we had a motion filed by the defendants to exclude a taped conversation between Rick Singer and Marci Palatella. The government filed an opposition this morning. I haven't had a chance to read it carefully. I've skimmed it, but my question for both counsel is, isn't the issue whether or not Mrs. Wilson is an unindicted coconspirator?

Mr. Frank.

MR. FRANK: Yes, your Honor. And she is an unindicted coconspirator.

THE COURT: And is that the grounds on which you contend this tape is admissible?

MR. FRANK: We do. Marci Palatella is an indicted coconspirator. She'd pled guilty. She's speaking with another coconspirator, Rick Singer, about a third individual, an unindicted coconspirator, Leslie Wilson. So it is a classic coconspirator statement relaying conversations among coconspirators.

THE COURT: Why doesn't this come in, Mr. Kendall, subject to *Petruzziello*?

MR. KENDALL: Your Honor, two things. First, I don't -- if we ask the government for what its proffer is to

1 prove, which is typically what you do in *Petruzziello*, or what
2 you can do in *Petruzziello* --

3 THE COURT: Say that again. I'm sorry.

4 MR. KENDALL: If the government has made a proffer of
5 what they think shows her being a coconspirator -- so I think
6 the Court has enough information before it today to make that
7 decision with her in particular. They say she forwarded some
8 photos, she did a couple things. Nothing -- but to make her a
9 coconspirator, they have to show she has knowledge that
09:16 10 fraudulent information is being submitted to the school. The
11 only thing they have in that that they claim is fraudulent
12 information is that sports profile of the son, you know, with
13 the water polo picture. There's nothing, absolutely nothing,
14 to connect her to that sports profile. Everything else she
15 does is just a mother supporting her kid's application.

16 THE COURT: Wasn't this the subject of the in limine
17 motion when we were talking about the marital exclusion?

18 MR. KENDALL: Yes, your Honor. We did discuss it
19 earlier, and you did rule against us on that. I think it's
09:17 20 more ripe now that we're in court. And the government made a
21 huge concession in their opening. They don't tie us to any
22 bribery. They don't claim we knew about bribes to any people.
23 So they certainly are not claiming she knows about a bribe to
24 anybody. So the whole thing hangs on this one issue, can they
25 tie her to the false USC sports profile. I've not heard

1 Mr. Frank or the government make any allegations she knew about
2 that profile or that they have any evidence to tie her to that
3 profile.

4 THE COURT: Mr. Frank.

5 MR. FRANK: Your Honor, the Court has already found
6 that she's an unindicted coconspirator. For purposes of the
7 marital privilege, we did make a proffer that she's on e-mails
8 specifically discussing the side door in those words. She's
9 referring to it as "the side door." She's referring to the
09:18 10 purchase of a spot.

11 THE COURT: I'm sorry. She's referring to?

12 MR. FRANK: She's explicitly referring to the purchase
13 of a spot on the water polo team from Jovan Vavic. She sends
14 the photos that are used on the profile, which ultimately was
15 falsified. And what Mr. Kendall says about the government
16 having conceded that there was no bribery or that his client
17 was not aware of bribery is simply not true, your Honor. Our
18 whole case is built on the fact that there was a false profile
19 and a bribe, and a payment to the program is a bribe.

09:18 20 THE COURT: All right. I'm going to deny the
21 defendants' motion and admit it subject to *Petruzziello*, of
22 course, as all the other coconspirator statements are subject
23 to. So if there is not anything else, I will call the jury.

24 Call the jury.

25 MR. FRANK: Your Honor, would it be helpful to the

1 Court to have a hard copy of the exhibits being introduced?

2 THE COURT: Yes. In other words, they're not in this
3 book?

4 MR. FRANK: I don't know which book that is. That's
5 our transcripts. We also have hard copies of the exhibits.

6 THE COURT: Yes. It would be helpful.

7 (Jury enters.)

8 THE CLERK: Thank you. You may be seated.

9 THE COURT: Good morning, jurors. I just want to say
09:21 10 that we're starting a little late today, but when we start
11 late, it's not because we're idle. We need to resolve issues
12 outside of your hearing and, actually, we're saving time. So
13 some days or sometimes in the middle of testimony when we ask
14 you to recess so we can discuss matters of law it's so that we
15 can save time. We're not wasting time. Okay?

16 So we're ready to start again.

17 Mr. Brown, you're reminded that you remain under oath.

18 Mr. Frank, you may continue with direct examination.

19 MR. FRANK: Thank you, Your Honor.

09:21 20 DIRECT EXAMINATION OF KEITH BROWN (Continued)

21 BY MR. FRANK:

22 Q. Good morning again, Special Agent.

23 A. Good morning.

24 Q. Just give me one second to squeeze in here.

25 MR. FRANK: Miss Lewis, if we could call up Exhibit

1 330 in evidence. Unfortunately, it is now my monitor that is
2 not working.

3 Q. Okay, Special Agent. We took a look at Exhibit 330. Just
4 to orient ourselves as to where we left off, Exhibit 330 was
5 the e-mail from Mr. Singer to Mr. Aziz, subject, "for me to
6 complete USC athletic profile".

7 Do you see that?

8 A. Yes.

9 Q. And who did Mr. Aziz forward Mr. Singer's e-mail to?

09:24 10 A. He forwarded the message to Amal Felaya.

11 Q. And, again, who is that?

12 A. I believe that's his wife.

13 Q. If you look at Exhibit 334 in evidence, and this is
14 updated July 17, 2017, and Exhibit 334 in evidence, what's the
15 date on this exhibit?

16 A. July 27, 2017.

17 Q. And this is where Mr. Singer says "Gamal, I need an action
18 photo or two of Sabrina playing basketball".

19 Do you see that?

09:25 20 A. Yes.

21 Q. And how does Mr. Aziz respond?

22 A. "Got it".

23 MR. FRANK: Okay. Could we now look at exhibit -- for
24 the witness only, Exhibits 338 through 342, if we could just
25 scroll through those for the witness only.

1 Do you recognize 338, Special Agent?

2 A. Yes.

3 Q. What is it?

4 A. An e-mail from Gamal Aziz to Rick Singer.

5 Q. Subject?

6 A. "Sabrina's action pictures on my iPhone".

7 Q. And if we could look at Exhibit 339, please? Do you
8 recognize this document?

9 A. Yes.

09:26 10 Q. What is it?

11 A. An e-mail from Gamal Aziz to Rick Singer.

12 Q. Subject?

13 A. "Sabrina".

14 Q. E-mail 340, please. What's this?

15 A. An e-mail from Gamal Aziz to Rick Singer.

16 Q. Subject?

17 A. "Sabrina".

18 Q. Thank you. 341, please. What is this?

19 A. Also an e-mail from Gamal Aziz to Rick Singer.

09:26 20 Q. Subject?

21 A. "Sabrina".

22 Q. Thank you. And 342, please. What is this?

23 A. Also an e-mail from Gamal Aziz to Rick Singer.

24 Q. Subject?

25 A. Also "Sabrina".

1 Q. Thank you.

2 MR. FRANK: The government offers Exhibits 338
3 through 342.

4 MR. KENDALL: No objection.

5 THE COURT: All of those exhibits are -- or all of
6 those e-mails are dated July 27, 2017? Is that correct?

7 MR. FRANK: Yes, your Honor.

8 THE COURT: They'll be admitted.

9 (Exhibit 338, 339, 340, 341, 342 admitted into
09:26 10 evidence.)

11 Q. Can we start with 338 in evidence, please. Okay. Special
12 Agent, again, refresh us what this is.

13 A. An e-mail from Gamal Aziz to Rick Singer.

14 Q. And it says "Sabrina's action pictures on my iPhone"?

15 A. Yes.

16 Q. Can we look at the attachment, please.

17 MR. FRANK: Miss Lewis, if you could next to that
18 bring up 339 in evidence.

19 Q. What is 339?

09:27 20 A. An e-mail from Gamal Aziz to Rick Singer.

21 Q. It also says "Subject: Sabrina"?

22 A. Yes.

23 Q. Can we look at the attachment on 339, please.

24 MR. FRANK: And Miss Lewis, if you could take those
25 down and put up 340 and 341.

1 Q. If you could just take a look at the attachments. What do
2 those appear to be, Special Agent?

3 A. The image on the left appears to be a team photo of a
4 women's basketball team and the photo on the right is a photo
5 of young women playing basketball.

6 MR. FRANK: And if we could take those down and look
7 at 342, please.

8 Q. You see again the subject is "Sabrina"?

9 A. Yes.

09:28 10 Q. Can we look at the attachment? What is this?

11 A. A team photo of a women's basketball team.

12 MR. FRANK: Can we show the witness only Exhibit 345,
13 please.

14 Q. Do you recognize this document?

15 A. Yes.

16 Q. What is it?

17 A. It is an e-mail from Rick Singer to Gamal Aziz.

18 Q. What is the date?

19 A. July 27, 2017.

09:28 20 MR. FRANK: Government offers 345.

21 THE COURT: It will be admitted.

22 (Exhibit 345 admitted into evidence.)

23 Q. And what does Mr. Singer say to Mr. Aziz in this e-mail?

24 MR. FRANK: Do the jurors have it on the screen?

25 Q. Hold on just one second.

1 What does Mr. Singer say to Mr. Aziz in this e-mail?

2 A. He writes, "we will use this one".

3 Q. Okay. And is there an indication on this e-mail of which
4 one he's referring to?

5 A. Yes.

6 Q. What is the number of the attachment to the prior e-mail?

7 A. The attachment is DSC_0123.JPG

8 MR. FRANK: Miss Lewis, if you could put this on the
9 right -- or on the left of the screen and call up Exhibit 340
09:30 10 on the right.

11 Q. What is the attachment number for Exhibit 340?

12 A. DSC_ 0123.JPG

13 Q. And how do those attachment numbers compare?

14 A. They're the same.

15 MR. FRANK: Miss Lewis, if you could, on the right,
16 put up the attachment to Exhibit 340.

17 Q. Again, what is that photograph on the right?

18 A. It's an image of young women playing basketball.

19 MR. FRANK: Could we show the witness only
09:30 20 Exhibit 352, please.

21 Q. What is this, Special Agent?

22 A. An e-mail from Rick Singer to Gamal Aziz.

23 Q. What's the subject?

24 A. "Sabrina".

25 Q. What's the date?

1 A. August 8, 2017.

2 MR. FRANK: The government offers 352.

3 THE COURT: It will be admitted.

4 (Exhibit 352 admitted into evidence.)

5 Q. Special Agent --

6 MR. FRANK: Miss Lewis, if you could just enlarge that
7 once more, please.

8 Q. Could you read the e-mail into -- the top e-mail into the
9 record, please.

09:31 10 A. "Gamal please answer below, profile for Sabrina... her
11 e-mail, phone, and parents' names need to be added in as I did
12 not have that. Let me know if you want me to add any other
13 awards to her profile or if you think that is enough".

14 Q. And if we could look at the e-mail that's being forwarded
15 below this one, do you see that there is that same text below
16 that you just read into the record?

17 A. Yes.

18 Q. And who is this forwarded message from?

19 A. It's from Laura Janke.

09:32 20 Q. Okay. And can we take a look at the attachment to the
21 e-mail, please. And Special Agent --

22 MR. FRANK: If we could just Zoom in on the -- Miss
23 Lewis, on the top left.

24 Q. What is the name on this profile?

25 A. "Sabrina Abdelaziz".

1 Q. What does it say below that?

2 A. "Point guard".

3 Q. And what does it list as her height?

4 A. 5 foot 8 inches.

5 Q. Okay. And if we could look at the resume portion below in
6 the box, could you read us the first couple entries under "Hong
7 Kong International School Basketball"?

8 A. "Starting Point Guard, Team Captain, 48th Holiday
9 Basketball Tournament Champions, 2016 China Cup Champions, APAC
09:33 10 Basketball Finals".

11 Q. Okay. Thank you. If we could look at the photograph,
12 please.

13 MR. FRANK: And if you could, Miss Lewis, put that on
14 the right and put up the attachment to Exhibit 3 -- I believe
15 it's 340.

16 Q. Special Agent, how do the photographs on the profile and
17 the photographs that Mr. Aziz sent Mr. Singer compare?

18 A. The photograph on the profile appears to be a cropped
19 version of the image that Mr. Aziz sent.

09:33 20 MR. FRANK: And in -- on the left, in Exhibit 340, the
21 e-mail that Mr. Aziz sent to Mr. Singer, could you just go to
22 the cover e-mail, please.

23 Q. Special Agent, what is the subject of that e-mail?

24 A. "Sabrina".

25 Q. Okay. Thank you.

1 MR. FRANK: Miss Lewis, you can take down 340, and
2 just put up 352, please. If we can go back to the cover
3 e-mail.

4 Q. You see -- if we can just go to the heading, what is the
5 e-mail address to which Mr. Singer sent this e-mail?

6 A. GamalAziz@cox.net.

7 Q. And where did you obtain this e-mail?

8 A. I received this e-mail in the gamalaziz797@gmail.com
9 e-mail returns.

09:34 10 Q. So can you explain that?

11 A. I cannot.

12 Q. The e-mail was found in the search warrant returns for
13 GamalAziz797@gmail.com?

14 A. It was.

15 Q. Even though it was sent to gamalaziz@cox.net?

16 A. Yes.

17 Q. And are you familiar with auto-forwarding?

18 A. Generally, yes.

19 Q. And, generally speaking, what is auto-forwarding?

09:35 20 MR. KELLY: Objection. There's no evidence it was
21 auto-forwarded.

22 THE COURT: He can explain what it is and, presumably,
23 you intend to tie this in, Mr. Frank?

24 MR. FRANK: Your Honor, I can withdraw the question.

25 Q. You found the e-mail in the Gmail search warrant returns?

1 A. Yes.

2 Q. Thank you.

3 MR. FRANK: Can we look at, for the witness only,
4 Exhibit 363, please.

5 Q. Do you recognize this document?

6 A. Yes.

7 Q. What is it?

8 A. An e-mail from Rick Singer to Donna Heinel.

9 Q. And what's the date?

09:36 10 A. August 15, 2017.

11 Q. What's the subject?

12 A. "American but in China basketball player".

13 MR. FRANK: Government offers 363.

14 THE COURT: It will be admitted.

15 (Exhibit 363 admitted into evidence.)

16 Q. What is the attachment?

17 A. Sabrina Abdelaziz's profile.doc.

18 Q. And can we take a look at the attachment, please. Special
19 Agent, do you recognize this attachment?

09:36 20 A. Yes.

21 Q. How does it compare with the attachment to the e-mail to
22 Mr. Aziz that we just looked at?

23 A. It appears to be the same with the exception of e-mail,
24 phone and parents' information added in the top left corner.

25 Q. Could we look -- and what is the date on the cover e-mail,

1 if we could look at that, please?

2 A. August 15, 2017.

3 MR. FRANK: Can we show the witness only Exhibit 362,
4 please.

5 Q. Do you recognize this document?

6 A. Yes.

7 Q. What is it?

8 A. An e-mail from Donna Heinel to Rick Singer.

9 Q. And what is the subject?

09:37 10 A. "American but in China basketball player".

11 MR. FRANK: Government offers 362.

12 THE COURT: It will be admitted.

13 (Exhibit 362 admitted into evidence.)

14 Q. Does this appear to be a response to Mr. Singer's e-mail
15 to Miss Heinel?

16 A. It does.

17 Q. And how does Miss Heinel respond?

18 A. She wrote, "We will need a better picture".

19 MR. FRANK: Can we show the witness only Exhibit 361,
09:37 20 please.

21 Q. Do you recognize 361?

22 A. Yes.

23 Q. What is it?

24 A. An e-mail from Laura Janke to Rick Singer.

25 Q. And what is the date?

1 A. August 16, 2017.

2 MR. FRANK: Government offers 361.

3 THE COURT: It will be admitted.

4 (Exhibit 361 admitted into evidence.)

5 MR. FRANK: Miss Lewis, if you could just zoom out a
6 little bit and go down to the forwarded e-mail -- I'm sorry.
7 Go up a little bit and we're just going to zoom in on sort of
8 the top third of the page. Perfect. Thank you.

9 Q. Special Agent, if you could just read for the record the
09:38 10 e-mail, the initial e-mail, on the bottom from Rick Singer on
11 August 15, 2017?

12 A. "Donna sent back. She needs a different picture for
13 Olivia and Sabrina. I need to get an action photo for Gino
14 from mom".

15 Q. And how does Miss Janke respond?

16 A. "What kind of pictures does she want from them?"

17 Q. And how does Mr. Singer respond?

18 A. "For Sabrina clearer and Olivia different look than the
19 one we used".

09:39 20 Q. And how does Miss Janke respond?

21 A. "Yikes... you gave me the picture for Sabrina. Do you
22 have a different one?"

23 MR. FRANK: If we could put this on the right side of
24 the screen, Miss Lewis, please. And if you could call up
25 Exhibit 323 in evidence on the left. And can you -- exactly.

1 Thank you.

2 Q. Exhibit 323 on the left, Special Agent, you introduced
3 that yesterday. That was the Singer note "USC with Donna". Do
4 you recall that?

5 A. Yes.

6 Q. Okay. On the right --

7 MR. FRANK: Miss Lewis, could you highlight the
8 reference to Olivia? Could you highlight that e-mail actually?

9 Q. Do you see there are three names in that e-mail?

09:40 10 A. Yes.

11 Q. What are the three names?

12 A. Olivia, Sabrina, and Gino.

13 Q. And do you see those three same names in the e-mail "USC
14 with Donna"?

15 A. Yes.

16 MR. FRANK: Miss Lewis, can you highlight those. Can
17 you read those names from the USC with Donna e-mail for the
18 record, please.

19 A. Gino Palatella, Olivia Giannulli, and Sabrina Aziz.

09:40 20 Q. Thank you.

21 MR. FRANK: Miss Lewis, you can take down 323 on the
22 left. And if you can put Exhibit 361 back up. Thank you. And
23 if we could look at the bottom half of the chain now -- no.
24 Starting -- exactly, at the bottom half of that page.

25 Q. And in the middle of the page, you see there is a

1 forwarded -- Mr. Singer has forwarded a message to Miss Janke?

2 A. Yes.

3 Q. And can you read that message, please?

4 MR. FRANK: Miss Lewis, if you could highlight that.

5 Thank you.

6 A. He wrote, "Did you do Matteo Sloane, Italian water polo
7 player that attends Buckley?"

8 Q. And how did Miss Janke respond?

9 A. "No. I didn't have anything on him. I will get it done".

09:41 10 Q. And do you see that he has forwarded a message to
11 Miss Janke from another individual?

12 A. Yes.

13 Q. And who is that individual?

14 A. Devin Sloane.

15 Q. And what is the subject line of the e-mail that came
16 forwarded from Devin Sloane?

17 A. "For me to complete USC athletic profile".

18 MR. FRANK: And if we could go to the next page of
19 this exhibit, please. Can you start -- thank you.

09:42 20 Q. What is -- can you just read for the record the e-mail
21 that Mr. Singer sent Mr. Sloane?

22 A. "High school - The Buckley School, cumulative unweighted
23 and weighted GPA and test score, (SAT or ACT and subject tests
24 if available), home address, e-mail, phone number, parents,
25 birthday, if they play the sport - water polo, position -

1 perimeter player, Club LA Water Polo, Italian Junior National
2 Team, accolades if they have them, action picture".

3 MR. FRANK: And if we can put that on the right and
4 put Exhibit 330 in evidence on the left, please.

5 Q. You see Exhibit 330 on the left in evidence is an e-mail
6 that Mr. Singer sent to Mr. Aziz?

7 A. Yes.

8 Q. And it's Exhibit 361 on the right is the e-mail he sent to
9 Mr. Sloane?

09:43 10 A. Yes.

11 Q. How did the two lists of items to complete the USC
12 athletic profile compare?

13 A. The information requested appears to be the same.

14 Q. And what is the date of the e-mail to Mr. Aziz?

15 A. July 16, 2017.

16 Q. And what is the date of the e-mail to Mr. Sloane?

17 A. Also July 16, 2017.

18 MR. FRANK: Thank you. You can take that down.

19 Miss Lewis, can we put 371 for the witness only, please.

09:43 20 Q. What is 371?

21 A. An e-mail from Rick Singer to Donna Heinel.

22 Q. What's the date?

23 A. August 18, 2017.

24 MR. FRANK: Government offers 371.

25 THE COURT: It will be admitted.

1 (Exhibit 371 admitted into evidence.)

2 Q. And if we could start on the bottom e-mail, what does
3 Miss Heinel write to Mr. Singer on August 18, 2017?

4 A. "Matteo Sloane bio".

5 Q. And do you recognize the name Matteo Sloane from the last
6 e-mail?

7 A. I do, yes.

8 Q. And can we look at the response from Mr. Singer. What
9 does Mr. Singer say in response?

09:44 10 A. "Will forward this weekend. Sabrina's pictures I got from
11 school and dad in Hong Kong are not closer than what I provided
12 already. What should I do? Also have a pole vaulter real good
13 grades and scores forwarding today - Tommy Kimmel from Bishops
14 in SD", San Diego.

15 Q. Thank you.

16 MR. FRANK: Can we look at Exhibit 372 for the witness
17 only, please.

18 Q. Do you recognize this document?

19 A. Yes.

09:45 20 Q. What is it?

21 A. It's an e-mail from Rick Singer to Donna Heinel.

22 Q. What's the date?

23 A. August 28, 2017.

24 MR. FRANK: The government offers --

25 MR. KELLY: Your Honor, to the extent we haven't

1 already with our continued objection, we continue to object on
2 confrontation clause grounds and 403 grounds.

3 THE COURT: All right. That's noted.

4 MR. FRANK: Government offers 372. Is that admitted,
5 your Honor?

6 THE COURT: Yes. 372 is admitted.

7 MR. FRANK: Thank you.

8 (Exhibit 372 admitted into evidence.)

9 Q. Special Agent --

09:45 10 MR. FRANK: Miss Lewis, if we could enlarge the bottom
11 e-mail.

12 Q. Who is this e-mail from?

13 A. Donna Heinel.

14 Q. And I'm sorry, before we look at the e-mail, can we look
15 at the caption of the e-mail. What is the subject of the
16 e-mail exchange?

17 A. "These are the athletes I have from you".

18 Q. Thank you. And what does -- can we now look back at
19 Miss Heinel's e-mail. Special Agent, what is the list on the
09:46 20 left?

21 A. It's a list of names.

22 Q. And then if you could look at the third column, what is
23 that a list of?

24 A. A list of college sports.

25 Q. Okay.

1 MR. FRANK: And if we could put that up on the right
2 and put Exhibit 323 in evidence on the left.

3 Q. Do you see the name "Olivia Giannulli" on the right?

4 A. Yes.

5 Q. What is the sport?

6 A. "Rowing".

7 Q. Do you see the name "Olivia Giannulli" on the left?

8 A. Yes.

9 Q. What's the amount listed next to it?

09:47 10 A. 250.

11 Q. And if we could go down, do you see the name "Matteo
12 Sloane" on the right?

13 A. Yes.

14 Q. What is the sport?

15 A. "MWP", which I believe refers to men's water polo.

16 Q. And do you see the name "Matteo" on the left?

17 A. Yes.

18 Q. Do you see the name "Gino Palatella" on the list
19 Miss Heinel sent Mr. Singer?

09:47 20 A. Yes.

21 Q. What is the sport?

22 A. "MFB", which I believe refers to men's football.

23 Q. And do you see the name "Gino Palatella" on the left?

24 A. Yes.

25 Q. And what's the number Mr. Singer has next to it?

1 A. 500.

2 Q. And do you see the name "Sabrina Abdelaziz" on the right?

3 A. Yes.

4 Q. And what is the sport next to it?

5 A. "WBSK", which I believe is an abbreviation for women's
6 basketball.

7 Q. And do you see the name "Sabrina Abdelaziz" on the left?

8 A. Yes.

9 Q. What does it say next to it?

09:48 10 A. "Sabrina Aziz - Gamal daughter - Trojan transfer".

11 Q. Thank you.

12 MR. FRANK: Could we look at 376 for the witness only,
13 please.

14 Q. Do you recognize this document?

15 A. Yes.

16 Q. What is it?

17 A. An e-mail from Gamal Aziz to Rick Singer.

18 Q. What is the date?

19 A. August 31, 2017.

09:48 20 MR. FRANK: Government offers 376.

21 THE COURT: It will be admitted.

22 (Exhibit 376 admitted into evidence.)

23 Q. If you could look at the bottom e-mail in the chain, what
24 does Mr. Aziz write to Mr. Singer?

25 A. "Rick, any update? Sabrina is getting a recommendation

1 letter from the director of the summer program at USC where she
2 went for the last two summers and I want to make sure that any
3 contact with USC is through you. Please call when you can".

4 Q. How does Mr. Singer respond to the inquiry about the
5 letter of reference from someone at USC?

6 A. "It has zero impact for me and my process. We can add
7 that person to her other recommenders on the common app if she
8 wants".

9 Q. And how does Mr. Aziz respond?

09:49 10 A. "Ok".

11 MR. FRANK: Can we look at 381 for the witness only,
12 please.

13 Q. Do you recognize this document?

14 A. Yes.

15 Q. What is it?

16 A. An e-mail from Donna Heinel to Katie Fuller.

17 Q. And what is the date?

18 A. October 3, 2017.

19 MR. KELLY: Same objection as before, your Honor.

09:49 20 THE COURT: Who is Miss Fuller?

21 Q. Special Agent, have you seen the name Katie Fuller before?

22 A. Yes.

23 Q. And where did you see that name?

24 A. In a USC e-mail production.

25 Q. And who is Miss Fuller?

1 A. Based on a limited review, she appears to be an employee
2 of USC.

3 Q. Does she have a USC e-mail address?

4 A. She does.

5 MR. FRANK: Government offers 381.

6 MR. KELLY: We still object on confrontation grounds.
7 We understand they're not offering them as witnesses either.

8 THE COURT: It will be admitted.

9 (Exhibit 381 admitted into evidence.)

09:50 10 Q. What is the e-mail that Miss Heinel sends to her colleague
11 Miss Fuller on October 3, 2017? What does the attachment say?

12 A. "Sabrina Abdelaziz profile.doc".

13 Q. And while we're on this e-mail, what is Miss Heinel's
14 title?

15 A. "Senior Athletic Director, SWA" --

16 Q. Senior Associate Athletic Director?

17 A. Yeah. "Senior Associate Athletic Director, SWA,
18 University of Southern California".

19 Q. And again, the date is October 3, 2017?

09:51 20 A. Yes.

21 Q. Okay. Can we look at the attachment Miss Heinel sent to
22 Miss Fuller.

23 MR. FRANK: Now, Miss Lewis, if you could put this
24 attachment on the right of the screen, please, and put
25 Exhibit 363 in evidence on the left. If we could just go to

1 the e-mail first.

2 Q. Just to refresh us, Special Agent, the e-mail on the left
3 from Rick Singer to Donna Heinel, what's the date on that?

4 A. August 15, 2017.

5 Q. What is the attachment?

6 A. "SabrinaAbdelazizprofile.doc".

7 MR. FRANK: And now could we look at the attachment.
8 And Miss Lewis, if you could zoom in.

9 Q. Do they appear generally the same, Special Agent?

09:51 10 A. With a few exceptions, yes.

11 Q. And if we could look at the top left, what is the height
12 listed for Sabrina Abdelaziz on the profile Mr. Singer sent to
13 Miss Heinel?

14 A. 5 foot, 8 inches.

15 Q. What is the height listed for Miss Abdelaziz on the
16 profile Miss Heinel sent to her colleague?

17 A. 5 foot, 10 inches.

18 Q. If we could zoom out, do you see there's a photograph on
19 the left in the profile Mr. Singer sent to Miss Heinel?

09:52 20 A. Yes.

21 Q. Can we zoom in on the photo on the right, please. Is that
22 the same photo that's on the Sabrina Abdelaziz profile that
23 Miss Heinel sent to her colleague at USC?

24 A. No.

25 Q. Do those appear to be even the same individual?

1 A. No.

2 MR. FRANK: If we can zoom out, please. You can take
3 out 363 on the left. Thank you. And just to refresh on 381 --
4 Miss Lewis, I'm sorry. If you could just go back to the cover
5 e-mail.

6 Q. What is the date that Miss Heinel sent this to her
7 colleague?

8 A. October 3, 2017.

9 MR. FRANK: Could we show the witness only 387,
09:53 10 please.

11 Q. Do you recognize this document?

12 A. Yes.

13 Q. What is it?

14 A. An e-mail from Donna Heinel to Rick Singer.

15 Q. And what is the date?

16 A. October 10, 2017.

17 Q. And how long is October 10th after October 3rd?

18 A. Approximately a week.

19 MR. FRANK: Government offers 387.

09:53 20 MR. KELLY: Same objection, confrontation clause.

21 THE COURT: It will be admitted.

22 (Exhibit 387 admitted into evidence.)

23 Q. And what is the attachment name of the attachment that
24 Miss Heinel sends to Mr. Singer on October 10, 2017?

25 A. "SAbdelaziz.PDF".

1 Q. Can we look at the attachment, please. What is the date
2 of this letter?

3 A. October 9, 2017.

4 Q. Could you read the introduction, please.

5 A. "Dear Sabrina, congratulations! I am pleased to inform
6 you that the Admission Committee, after careful review of your
7 credentials, has approved your admission to the University of
8 Southern California for the Fall 2018 semester. Your records
9 indicate that you have the potential to make a significant
09:54 10 contribution to the intercollegiate athletic program, as well
11 as to the academic life of the university. I can assure you
12 that the faculty and staff will do all that we can to support
13 you in achieving your goals as a student athlete at USC".

14 Q. And could you read the next two sentences, please.

15 A. "Please be advised that this letter of acceptance is based
16 upon a preliminary review of your academic records. In order
17 to validate this acceptance, you must."

18 Q. And could you read Item 1, please.

19 A. "Complete in full an Undergraduate Application by
09:55 20 January 15, 2018".

21 Q. Could you read Item 3, please.

22 A. "Register with the NCAA Eligibility Center".

23 Q. Okay. And then what does it say below those items?

24 A. "If these conditions are not met, your approval will be
25 revoked".

1 Q. And the final paragraph, please.

2 A. "On behalf of the University, I would like to express our
3 pleasure with your commitment to USC. We are delighted to
4 welcome you to our community of scholars and to our athletic
5 program. We look forward to seeing you on campus next year".

6 Q. And who is it signed by?

7 A. Timothy Brunold, the Dean of Admission.

8 Q. And again, the date of this letter, Special Agent?

9 A. Dated October 9, 2017.

09:55 10 MR. FRANK: Could we look for the witness only
11 Exhibit 427, please. I'm sorry. Before we look at 427, can we
12 look at 390. I skipped one on accident.

13 Q. Do you recognize 390?

14 A. Yes.

15 Q. What is 390?

16 A. An e-mail from Rick Singer to Gamal Abdelaziz.

17 Q. And what's the date?

18 A. October 10, 2017.

19 Q. What's the subject?

09:56 20 A. "S Abdelaziz copy.PDF". Oh, I'm sorry. "FWD: USC
21 letter".

22 Q. The attachment is "S Abdelaziz copy.PDF"?

23 A. Yes.

24 MR. FRANK: Government offers 390.

25 THE COURT: It will be admitted.

1 MR. FRANK: And can we look at the attachment, please.

2 (Exhibit 390 admitted into evidence.)

3 Q. How does the attachment Mr. Singer sent to Mr. Abdelaziz
4 on October 10th compare to the attachment you just read in the
5 e-mail from Miss Heinel to Mr. Singer?

6 A. It appears to be the same letter.

7 Q. And if we could look back at the cover e-mail, what is the
8 e-mail address that Mr. Singer sent this to?

9 A. GamalAziz797@gmail.com.

09:57 10 Q. And how does that e-mail address compare to the e-mail
11 account where you found Sabrina Abdelaziz's profile that
12 Mr. Singer sent?

13 A. I'm sorry. I don't understand the question.

14 Q. Mr. Singer -- you introduced into evidence an exhibit in
15 which Mr. Singer sent Mr. Aziz a profile of Sabrina?

16 A. Yes.

17 Q. How does this e-mail address compare to the account where
18 you found that profile?

19 A. This is the same account where I found the profile.

09:57 20 Q. Thank you.

21 MR. FRANK: Could we now look, for the witness only,
22 at Exhibit 427, please.

23 Q. Do you recognize this document?

24 A. Yes.

25 Q. What is it?

1 A. An e-mail from Gamal Aziz to Gary Keung.

2 Q. And again, what is the e-mail address from which Mr. Aziz
3 sent this e-mail?

4 A. GamalAziz797@gmail.com.

5 Q. What is the date of this e-mail?

6 A. November 29, 2017.

7 MR. FRANK: Government offers 427.

8 THE COURT: It will be admitted.

9 (Exhibit 427 admitted into evidence.)

09:58 10 MR. FRANK: And if we could look at the e-mail, the
11 second half of the page, Miss Lewis, "Dear Mr. and
12 Mrs. Abdelaziz."

13 Q. Could you read the first half of that e-mail, please.

14 A. "Dear Mr. and Mrs. Abdelaziz, I just want to bring to your
15 attention of the application deadlines for USC and the pros and
16 cons that I have discussed with Sabrina. As those who are
17 applying to the school may know, USC has a December 1st
18 deadline that is said to be for merit scholarship consideration
19 and programs in cinematic arts and architecture, as well as a
09:59 20 regular deadline on January 15th. With that said, while the
21 December 1st deadline is not stated to give any edge/priority
22 in admissions, I have discussed with other counselors and would
23 like to list out the potential pros and cons to submitting the
24 application earlier."

25 MR. FRANK: And Miss Lewis, if you could take us down

1 to the second page and the signature block.

2 Q. How does Mr. Keung identify himself?

3 A. His title is Admissions Consultant for The Edge Learning
4 Center in Causeway Bay, Hong Kong.

5 MR. FRANK: Miss Lewis, if you could take us to the
6 top of the e-mail chain to Mr. Aziz's response.

7 Q. How does Mr. Aziz respond to Mr. Keung's e-mail concerning
8 the application deadlines for USC?

9 A. "Dear Gary, thank you so much for your extraordinary help
10:00 10 and support for Sabrina, we're going to pass on applying in
11 December. Very best, Gamal".

12 MR. FRANK: Can we show the witness only Exhibit 467,
13 please.

14 Q. Do you recognize this document?

15 A. Yes.

16 Q. What is it?

17 A. An e-mail from Rick Singer to Melissa Rail.

18 Q. What's the date?

19 A. January 26, 2018.

10:00 20 Q. And Melissa Rail, what is her e-mail address?

21 A. Melissa.Rail@TheKeyWorldwide.com.

22 Q. And what's the subject?

23 A. "Foundation billing".

24 MR. FRANK: Government offers 467.

25 THE COURT: It will be admitted.

1 (Exhibit 467 admitted into evidence.)

2 Q. Special Agent, if we could look at the e-mail on the
3 bottom half from Miss Rail to Mr. Singer. Could you read the
4 introduction, please.

5 A. "Hi Rick, I have drafted all of the Foundation billing.
6 Could you please review the list below and let me know of any
7 changes prior to me sending them out?"

8 Q. And do you see an entry for Tommy Kimmel?

9 A. Yes.

10:01 10 Q. What's the amount next to it?

11 A. \$200,000.

12 Q. Do you see an entry for Olivia Giannulli?

13 A. Yes.

14 Q. What's the amount next to it?

15 A. \$200,000.

16 Q. And then there's a note?

17 A. "Please note that we billed them \$200,000 in April 2017
18 and they paid it".

19 Q. You see Gino Palatella?

10:01 20 A. Yes.

21 Q. Is there an amount?

22 A. \$400,000.

23 Q. Is there a note?

24 A. "We previously billed them for \$75,000 in March 2017 and
25 they paid it".

1 Q. And do you see an entry for Matteo Sloane?

2 A. Yes.

3 Q. And is there an amount?

4 A. \$200,000.

5 Q. And do you see there's a heading "other billing you said
6 to hold"?

7 A. Yes.

8 Q. And what's the first name under that?

9 A. Sabrina Aziz.

10:02 10 Q. And what's it say?

11 A. "Got acceptance. Waiting for next steps from USC".

12 Q. If we could go to the top e-mail. Do you see Mr. Singer's
13 response?

14 A. Yes.

15 Q. I want to direct your attention to the second sentence.
16 There's an entry for Olivia?

17 A. Yes.

18 Q. What does it say?

19 A. "Olivia. They paid 50 to USC already, bill 200 last year
10:02 20 was for the first daughter Bella".

21 Q. There's an entry for Gino?

22 A. Yes.

23 Q. What does that say?

24 A. "Gino's 75 was for testing - bill 400 as 100 of 500
25 already paid to USC".

1 Q. And do you see there's an entry for someone named Audrey
2 Isackson?

3 A. Yes.

4 Q. And what does it say next to that?

5 A. "Bill 250 for USC".

6 MR. FRANK: Could we show the witness only
7 Exhibit 478, please.

8 Q. Do you recognize this document?

9 A. Yes.

10:03 10 Q. What is it?

11 A. An e-mail from Melissa Rail to Gamal Aziz.

12 Q. And what's the e-mail address to which she sends this
13 e-mail?

14 A. GamalAziz797@gmail.com.

15 Q. And what's the date?

16 A. March 16, 2018.

17 Q. And what is the subject?

18 A. "Invoice 1174 from The Key Worldwide Foundation".

19 MR. FRANK: Government offers 478.

10:03 20 THE COURT: It will be admitted.

21 (Exhibit 478 admitted into evidence.)

22 Q. Could you read the e-mail for the record, please.

23 A. "Dear Gamal, thank you for your generous donation. Our
24 courtesy invoice is attached hereto and contains wire
25 information".

1 Q. And if we would look at the attachment, who is the invoice
2 from?

3 A. The Key Worldwide Foundation.

4 Q. Who is it sent to?

5 A. Gamal Aziz.

6 MR. FRANK: And Miss Lewis, if you could highlight the
7 description and the amount. Thank you.

8 Q. What does it say under "description"?

9 A. "Private contribution - letter of receipt will be provided
10:04 10 upon payment, \$300,000."

11 Q. I'm sorry?

12 A. The amount is \$300,000.

13 MR. FRANK: If we could show the witness only
14 Exhibit 505, please.

15 Q. Do you recognize this document?

16 A. Yes.

17 Q. What is it?

18 A. An e-mail from Melissa Rail to Gamal Aziz.

19 Q. And what is the e-mail address?

10:04 20 A. GamalAziz797@gmail.com.

21 Q. What's the subject?

22 A. "Receipt letter".

23 Q. And what is the date?

24 A. April 6, 2018.

25 MR. FRANK: Government offers 505.

1 THE COURT: It will be admitted.

2 (Exhibit 505 admitted into evidence.)

3 MR. FRANK: If we could just expand that out just for
4 a moment.

5 Q. Do you see at the bottom there's that e-mail you just read
6 a moment ago from Miss Rail to Mr. Aziz, "thank you for your
7 generous donation"?

8 A. Yes.

9 Q. And just up above that do you see that Mr. Aziz has
10:05 10 responded?

11 A. Yes.

12 Q. What did he say?

13 A. "Wire sent today, thank you Melissa".

14 Q. What e-mail address did he send that from?

15 A. The GamalAziz797@gmail.com address.

16 Q. And how does that compare with the account where you found
17 the Sabrina Abdelaziz profile that Mr. Singer sent Mr. Aziz?

18 A. It's the same.

19 MR. FRANK: Could we look at the attachment, please.

10:06 20 Q. What's the letterhead say?

21 A. "The Key Worldwide Foundation".

22 Q. And can you read the introductory paragraph, please?

23 A. "Thank you for your contribution of \$300,000 to the Key
24 Worldwide Foundation. Your generosity will allow us to move
25 forward with our plans to provide educational and

1 self-enrichment programs to disadvantaged youth. We are very
2 excited about the impact that these programs will have in the
3 communities in which we will engage".

4 Q. And what does the second paragraph say?

5 A. "This letter shall serve as formal acknowledgment of your
6 contributions for which no goods or services were exchanged".

7 Q. And who is the letter signed by?

8 A. Rick Singer.

9 MR. FRANK: Thank you. Miss Lewis, you can take that
10:07 10 down. Special -- give me one second.

11 If I could just have one minute, your Honor.

12 THE COURT: Yes.

13 MR. FRANK: Can we take a look at Exhibit 352 in
14 evidence, please.

15 Q. And again, Special Agent, what is 352?

16 A. An e-mail from Rick Singer to Gamal Aziz.

17 Q. And this was sent to which e-mail address?

18 A. The cox.net e-mail address.

19 MR. FRANK: Could we show the witness only 415,
10:08 20 please.

21 Q. And do you recognize this to be an e-mail from Mr. Aziz?

22 A. Yes.

23 Q. And who is it to?

24 A. Mikaela Sanford.

25 Q. And what is the date?

1 A. November 3, 2017.

2 Q. What is the subject?

3 A. "USC letter".

4 Q. And what is the attachment?

5 A. "S Abdelaziz copy.PDF".

6 MR. FRANK: The government offers 415.

7 THE COURT: It will be admitted.

8 (Exhibit 415 admitted into evidence.)

9 MR. FRANK: And if we can just look at the attachment,

10:08 10 please.

11 Q. Do you recognize this attachment?

12 A. Yes.

13 Q. What is it?

14 A. It appears to be the same October 9th letter of acceptance
15 from USC.

16 Q. Okay. And if we could look at the e-mail, do you see
17 there is a forwarded message?

18 A. Yes.

19 Q. And who is that forwarded message from?

10:09 20 A. The forwarded message is from Rick Singer.

21 Q. And who is it to?

22 A. It's to Gamal Aziz.

23 Q. And what address is it sent to?

24 A. The GamalAziz@cox.net e-mail address.

25 Q. Do you recall a moment ago I asked you and then withdrew a

1 question about auto-forwarding?

2 A. Yes.

3 Q. Can we look at the response from Mr. Aziz. What e-mail
4 address does Mr. Aziz respond from?

5 A. The GamalalAziz797@Gmail account.

6 Q. Okay. And if you could read the e-mail for the record,
7 please.

8 A. "Mikaela, my name is Gamal Aziz, I've been working with
9 Rick on my daughter Sabrina's college admission. Rick asked
10:10 10 that we work with you to complete USC's application to make
11 sure it meets the exact requirements below. We currently live
12 in Hong Kong so there's a time difference of 16 hours, please
13 let me know your availability and your preferred method of
14 communication. Sabrina and I can be available for a call on
15 your Monday 5:00 PM if that works for you. Very best, Gamal".

16 MR. FRANK: If we could take that down, please.

17 Q. Special Agent, as part of your preparation for testifying
18 today, did you have an opportunity to review an extraction of
19 an image of a cellular phone?

10:10 20 A. Yes.

21 Q. What is an extraction?

22 A. An extraction is basically an export of the contents of a
23 phone that's copied by law enforcement that's what's referred
24 to as the image.

25 Q. And whose phone did you review?

1 A. I reviewed an extraction of Rick Singer's phone.

2 Q. And what was the date of the extraction?

3 A. The extraction was conducted on October 5, 2018.

4 Q. In front of you there are several discs labeled Exhibit
5 396, 439, and 508. Do you see those?

6 A. Yes.

7 Q. Have you previously had an opportunity to review those
8 exhibits?

9 A. Yes.

10:11 10 Q. What are they?

11 A. They are voicemails that were obtained through the
12 extraction of Mr. Singer's phone on October 5. They're
13 voicemails from Donna Heinel to Rick Singer.

14 MR. FRANK: Government offers 396, 439, and 508.

15 MR. KELLY: Same objection as before.

16 MR. KENDALL: Same as before, your Honor.

17 THE COURT: All right. They will be admitted over the
18 defendants' objections.

19 (Exhibits 396, 439, 508 admitted into evidence.)

10:12 20 MR. FRANK: Could we look at Exhibit 387 in evidence,
21 please.

22 Q. And again, Special Agent, this is the e-mail we introduced
23 a few moments ago from Donna Heinel to Rick Singer, forwarding
24 that -- attaching that letter of acceptance.

25 A. Yes.

1 Q. Do you recall that? And what is the date of this letter?

2 A. October 10, 2017.

3 Q. And if we could now turn to the tab marked 396 in your
4 binder.

5 MR. FRANK: And the jurors have this in their
6 transcript binders as well, 396.

7 Miss Lewis, can you leave 387 up on the screen, or is
8 that not possible?

9 (Discussion off the record.)

10:14 10 Q. Okay. Special Agent, again, what is the date of
11 Exhibit 387, the e-mail from Donna Heinel to Rick Singer?

12 A. October 10, 2017.

13 Q. And what is the date of this voicemail in Exhibit 396?

14 A. The voicemail is October 19, 2017.

15 Q. So it's nine days later?

16 A. Yes.

17 Q. Can we play Exhibit 396, please.

18 (Audio recording played.)

19 Q. Special Agent, if I could direct your attention to line 11
10:16 20 of the transcript. Who does Miss Heinel tell Mr. Singer to
21 have the clients make the checks out to?

22 A. She instructs him to make the checks out to Women's
23 Athletic Board.

24 Q. And who does she instruct him to have the checks sent to,
25 at the end of line 12?

1 A. And send those to her.

2 Q. And if I could direct your attention to line 15. At
3 line 14, she says "Then we'll talk about Sabrina since that's a
4 larger amount of money and how we can structure that one".

5 A. Yes.

6 Q. Special Agent, you are assigned to which squad at the FBI?

7 A. Corporate and Securities Fraud Squad.

8 Q. And in your experience investigating corporate and
9 securities fraud, are you familiar with the term "structure"?

10:16 10 A. Yes.

11 MR. KELLY: Objection, your Honor. Objection. He's
12 not charged with any obstruction count or money laundering
13 count. He's not charged with that.

14 THE COURT: I don't know what the question is.

15 Q. Are you familiar with the context of a financial
16 transaction, what it means, the structure of a transaction?

17 MR. KELLY: Objection. Grounds. He's not charged
18 with any.

19 THE COURT: Mr. Frank, what's the relevance?

10:17 20 MR. FRANK: I'm not suggesting the term in a legal
21 term of art. I'm suggesting the --

22 THE COURT: He can have it.

23 Q. What does it mean to "structure" a financial transaction?

24 A. Structuring generally means to break a larger transaction
25 up into smaller transactions for the purpose of evading

1 compliance, scrutiny, law enforcement scrutiny.

2 Q. So it's breaking the larger transactions into smaller
3 transactions?

4 A. Yes.

5 MR. FRANK: Could we look at Exhibit 439 in evidence,
6 please. That's at Tab 439 in the transcript binder.

7 Q. Special Agent, what is the date of this voicemail?

8 A. December 4, 2017.

9 Q. And who is this voicemail from?

10:18 10 A. It's also from Donna Heinel.

11 Q. And this was also on Rick Singer's phone?

12 A. Yes.

13 MR. FRANK: Could we play 439, please.

14 (Audio recording played.)

15 Q. Special Agent, if I could now direct your attention to
16 Exhibit 508 in the transcript -- 508 in the transcript binder.

17 Does everyone have 508? Special Agent, what is the date of the
18 voicemail at 508?

19 A. It's dated April 12, 2018.

10:20 20 Q. So that's about 5 months after the last voicemail?

21 A. Yes, approximately.

22 Q. And who is this voicemail from?

23 A. It's also from Donna Heinel.

24 MR. FRANK: Could we play 508, please.

25 (Audio recording played.)

1 MR. FRANK: Could we show the witness only
2 Exhibit 701, please.

3 Q. Do you recognize this document?

4 A. Yes.

5 Q. What is it?

6 A. An e-mail from Rick Singer to Devin Sloane.

7 Q. What's the date?

8 A. April 1, 2018.

9 Q. What's the subject?

10:22 10 A. "Hope all's well".

11 MR. FRANK: Government offers 701.

12 MR. KELLY: Same objection, your Honor.

13 THE COURT: It will be admitted.

14 (Exhibit 701 admitted into evidence.)

15 Q. If we could start with the bottom e-mail, you see there is
16 a forwarded message from someone named Julie Taylor-Vaz to
17 Devin Sloane?

18 A. Yes.

19 Q. And do you recognize the name Devin Sloane from the
10:23 20 earlier e-mails that we looked at?

21 A. Yes.

22 Q. And do you recognize below the name Matteo Sloane from the
23 e-mails that we looked at?

24 A. Yes.

25 Q. It says "reply to Julie Taylor-Vaz". Do you see that?

1 A. Yes.

2 Q. And what is the e-mail domain name that she's writing
3 from?

4 A. The e-mail domain is Buckley.org.

5 Q. Okay. And Matteo Sloane's domain name?

6 A. It's Crossflo -- oh. I'm sorry.

7 Q. Matteo Sloane?

8 A. Buckley.org, as well.

9 Q. And can you read the e-mail at the bottom.

10:23 10 A. "Hi, Matteo! I hope you're enjoying spring break and that
11 you're recovering well from your surgery. You've been on my
12 mind a great deal these past few weeks.

13 Please update Navience Family Connection with your
14 admission results when you get a chance. I'd like to know how
15 everything has turned out for you".

16 Q. And it's signed Miss Taylor-Vaz?

17 A. Yes.

18 Q. And do you see that up above that Devin Sloane has
19 forwarded that e-mail to someone else?

10:24 20 MR. FRANK: Miss Lewis, if you could just zoom out for
21 just a moment.

22 Q. Who has Mr. Sloane forwarded that e-mail from
23 Miss Taylor-Vaz to?

24 A. It appears he's forwarded it to Rick Singer.

25 Q. And what does Mr. Sloane write?

1 A. "What do you think we should do? Either we can list all
2 the non-USC acceptances and not include USC, or include
3 everything, or do nothing."

4 Q. And what does Mr. Singer respond?

5 A. "They know about USC. One of the counselors questioned
6 Matteo getting in as a water polo player this week. My folks
7 at SC called me so we could restate Matteo's playing in Italy,
8 as Buckley does not have a team".

9 Q. And how does Mr. Sloane respond up above?

10:25 10 A. "Any concerns?"

11 Q. And how does Mr. Singer respond?

12 A. "I believe all is covered. The question was asked last
13 week and internally it was documented by our person and nothing
14 has been brought up since".

15 Q. And what is the date?

16 A. April 1, 2018.

17 MR. FRANK: If we can have the witness only look at
18 Exhibit 509.

19 MR. KELLY: Excuse me. What was that exhibit number?

10:25 20 MR. FRANK: That exhibit was 701.

21 If we can look at Exhibit 509 for the witness only.

22 Q. Do you recognize Exhibit 509?

23 A. Yes.

24 Q. What is it?

25 A. An e-mail from Mossimo Giannulli to Rick Singer, copying

1 Mark Hauser.

2 Q. And what is the date?

3 A. It's dated April 12, 2018.

4 Q. And what is the subject?

5 A. "Olivia and USC".

6 MR. FRANK: The government offers 509.

7 THE COURT: It will be admitted, 509.

8 (Exhibit 509 admitted into evidence.)

9 Q. Could we look at the e-mail at the bottom of the chain,
10:26 10 please. Who is that from?

11 A. Philip Petrone.

12 Q. Who is that to?

13 A. Mossimo Giannulli, copying Jacqueline Landry.

14 Q. And what is the subject?

15 A. "Olivia and USC".

16 Q. And before we read the e-mail, I'd like to go to the
17 signature block. Who is Mr. Petrone described as in the
18 signature block?

19 A. The Co-Director of College Counseling at Marymount High
10:27 20 School.

21 Q. Can we look at the e-mail, please. Would you read that
22 for the record, please.

23 A. "Mr. Giannulli, I wanted to provide you with an update on
24 the status of Olivia's admission offer to USC. First and
25 foremost, they have no intention of rescinding Olivia's

1 admission and were surprised to hear that was even a concern
2 for you and your family. You can verify that with Clay Busia,
3 Senior Assistant Director of Admission and the Marymount
4 representative for the last 5 years: Busia@USC.edu or
5 213-740-6635, if you would like.

6 I also shared with Clay that you had visited this
7 morning and affirmed for me that Olivia is truly a coxswain.
8 Again, I think so highly of all that Olivia has done as a
9 student and entrepreneur. I know USC will only add to her
10:28 10 success and she to the Trojan family. Best, PJ Petrone".

11 Q. And who does Mr. Giannulli forward this e-mail to?

12 A. He appears to have forwarded it to Mossimo Giannulli.

13 Q. I'm sorry. Who does Mr. Giannulli forward it to?

14 A. To Rick Singer.

15 Q. And what is the date again?

16 A. April 12, 2018.

17 Q. And referring back to the transcript of Exhibit 508 in
18 evidence, what was the date of that voicemail from Miss Heinel?

19 A. Also on April 12, 2018.

10:28 20 Q. Same date?

21 A. Yes.

22 Q. And directing your attention to the transcript of 508 at
23 line 12, what are the two schools that Miss Heinel references
24 she doesn't want anybody going in and yelling at counselors
25 because that will shut everything down?

1 A. It's line 22. She says "anybody going into Buckley or
2 Marymount".

3 Q. Special Agent, I'm now going to ask you to read into
4 evidence a series of e-mails relating to defendant John Wilson.
5 Have you previously had an opportunity to review these
6 exhibits?

7 A. I have.

8 MR. FRANK: Your Honor, I've provided a binder of
9 these exhibits to the defense. I would suggest that we could
10:29 10 perhaps speed things along by offering them in bulk.

11 MR. KENDALL: Your Honor, we just got them a moment
12 before he got on the stand this morning. So I can't do bulk.
13 I have to read them before we put them in. I'll try to be
14 quick, but we can't do bulk.

15 MR. FRANK: Okay.

16 THE COURT: All right.

17 MR. FRANK: Beginning with Exhibit 48 for the witness
18 only, please.

19 THE COURT: Do you have a copy of the binder for the
10:29 20 Court? Is that this binder here?

21 MR. FRANK: I believe it is, Your Honor.

22 Q. Special Agent, do you recognize Exhibit 48?

23 A. Yes.

24 Q. What is it?

25 A. It's an e-mail from Leslie Wilson to John Wilson.

1 Q. And what's the date?

2 A. March 2, 2013.

3 Q. And what is the subject?

4 A. "Potential trip - meet coaches if possible".

5 MR. FRANK: Government offers 48.

6 MR. KENDALL: Objection, your Honor. We have a prior
7 objection on marital issues, but subject to that.

8 THE COURT: Subject to the ruling that was made by the
9 Court earlier, it will be admitted.

10:30 10 (Exhibit 48 admitted into evidence.)

11 Q. We can start at the very bottom of the chain, please. Do
12 you see there's an e-mail on February 10th from Mr. Singer
13 "spring break trip"?

14 A. Yes.

15 Q. And if we can go up to the next e-mail in the chain, could
16 you read Mr. Wilson's response?

17 A. "Rick, what is the deadline to decide on side door for USC
18 or BC or Georgetown, et cetera this year? (Also please confirm
19 for which schools is side door option really viable).

10:31 20 Also, if Johnny went to AMS school for 2 years and
21 played club water polo there what is probability side door at
22 USC or other locations would be a realistic option then?"

23 Q. Thank you. And how does Mr. Singer respond?

24 A. "USC and BC by mid July. USC 95 percent chance - BC 50
25 until I have a face-to-face and his test scores are in,

1 Georgetown need very good grades and no more than one B this
2 semester and 1950+ by mid June then, depending on commitment,
3 90 percent if all in".

4 MR. FRANK: If we can move up two e-mails to the
5 February 12th e-mail from Rick Singer, you've got it right
6 there. Thank you.

7 Q. Special Agent, could you read the second sentence of that
8 e-mail, beginning with "Jovan"?

9 A. "Jovan is giving me one boys slot and as of yet no one has
10:32 10 stepped up to commit, that is why it is later".

11 Q. Can we turn to the first page of the exhibit, please. Do
12 you see at the bottom there's an e-mail from Leslie Wilson to
13 Mr. Singer?

14 A. Yes.

15 Q. Could you read that for the record, please?

16 A. "Hi Rick, is this spot still available for USC? Should we
17 decide before our Easter trip? It would be such a shame to
18 lose it because we didn't decide fast enough. Thanks,
19 Leslie.".

10:33 20 Q. And how does Mr. Singer respond?

21 A. "It is still available".

22 Q. And how does Miss Wilson respond?

23 A. "Okay - is another candidate looking at USC also? So we
24 should be pushing Johnny to decide if that's his number 1
25 choice? As I mentioned hate to lose this due to us taking too

1 long to decide (Johnny is unaware of this arrangement)".

2 Q. And how does Mr. Singer respond?

3 A. There are five plus wanting in that are boys - 2 polo, 3
4 others".

5 Q. And if we could look at the top e-mail in the chain, you
6 see that this is an exchange between Leslie Wilson and John
7 Wilson?

8 A. Yes.

9 Q. And could you read the last sentence of the e-mail,
10:34 10 please.

11 A. "Maybe we can call Rick about the one spot he has at USC -
12 hate to lose it if we want to go down this path. Rick is
13 meeting Johnny next Saturday".

14 Q. Thank you.

15 MR. FRANK: Could we look at Exhibit 49 for the
16 witness only, please.

17 Q. Do you recognize this document?

18 A. Yes.

19 Q. What is it?

10:34 20 A. An e-mail between John Wilson and Rick Singer, copying
21 Leslie Wilson.

22 Q. What's the date?

23 A. March 27, 2013.

24 Q. What is the subject?

25 A. John Wilson.

1 MR. FRANK: Government offers 49.

2 THE COURT: It will be admitted.

3 (Exhibit 49 admitted into evidence.)

4 Q. Could we -- this is a very long chain. If we could look
5 at the bottom of the chain, do you see there's an e-mail from
6 Mikaela Sanford to Rick Singer, "Subject: John Wilson"?

7 A. Yes.

8 Q. And what is the heading?

9 A. The heading is "itinerary for John Wilson".

10:35 10 Q. And then there's a date, "Tuesday, April 2nd"?

11 A. Yes.

12 Q. Then there are two campus tours listed?

13 A. Yes.

14 Q. What are the two schools at which the campus tours are
15 listed?

16 A. USC and LMU.

17 Q. And if we could look at the next e-mail up, the response
18 from Mr. Singer, what does he say?

19 A. "All intact. I sent an e-mail to Jovan to see if he is on
10:35 20 campus to meet".

21 Q. And then there's a response next up in the chain from John
22 Wilson. Do you see that?

23 A. Yes.

24 Q. What does he say?

25 A. "Rick, these are generic tours? I thought we might be

1 meeting with assistant water polo coaches et cetera".

2 Q. And how does Mr. Singer respond?

3 A. "There are no offices on campus at USC. I asked Jovan to
4 come to campus to meet. At LMU they are not very interested in
5 Johnny - more get in and then we can speak same for others. I
6 can ask again but be prepared for their outlook".

7 Q. And how does Mr. Wilson respond?

8 A. "R, so, none of the teams really even LMU want to even
9 meet with him on their campus?"

10:36 10 Q. And how does Mr. Singer respond after Mr. Wilson says none
11 of them, even LMU, want to meet with him?

12 A. "They're in the top 8 in the country. They want totally
13 dedicated polo players - Johnny has to put in more time and
14 decide he really wants to play or when they meet him they will
15 be disappointed and make my relationship sour.

16 Please let me know if Johnny is going to be totally
17 on board. LMU may be delayed if Jovan comes to campus to meet
18 at noon on Tuesday as well".

19 Q. Okay. If we could look at the first page of the -- of
10:37 20 Exhibit 49, there's an e-mail from Mr. Wilson near the bottom
21 of the page on March 26, 2013. Could you read that for the
22 record, please?

23 A. "If water polo and swimming are not realistic for Johnny,
24 then what are the schools that he has a realistic shot at
25 (without help) in SoCal area, southwest, and east coast?"

1 Q. In response to Mr. Wilson's e-mail about water polo and
2 swimming not being realistic for Johnny, do you see that
3 Mr. Singer provides a list of schools?

4 A. Yes.

5 Q. And if we could then go up to the next e-mail on the
6 chain, it's another e-mail from Mr. Wilson. Could you read
7 that, please.

8 A. "Johnny also was wondering if he did the side door at USC
9 is it year round commitment? For 2 years minimum? Or one?
10:38 10 Will he be traveling with team or stay home for road meets et
11 cetera?

12 What would a bench warmer position mean? Would the
13 other kids know he was a bench warmer side door person?"

14 Q. And how does Mr. Singer respond to Mr. Wilson's inquiry
15 about whether the other kids would know he was a bench warmer
16 side door person?

17 A. "Travel is only if he is playing so no -- the commitment
18 is to be on the roster not attend all practices, but he will
19 have to attend drug tests and other mandatory functions for
10:38 20 one year then walk away/frankly after the first semester he can
21 move on ".

22 Q. If we could go to the next e-mail up in the chain,
23 Mr. Wilson's response, could you read that for the record?

24 A. "I would love him to actually be committed and give it his
25 best. I don't want to taint his meeting with USC coach. I

1 know he was worried about his grades and practice time
2 commitment and travel year round.

3 So it sounds like even if he practices all the time,
4 et cetera, it will be known that he is a bench warming
5 candidate? Obviously his skill level may be below the other
6 freshmen. In your view, will he be so weak as to be a clear
7 misfit at practice et cetera?"

8 Q. And how does Mr. Singer respond?

9 A. "They have 42 guys - 20 plus do not travel but practice.
10:39 10 He will be fine. Bench warming on the four time in a row
11 national champion is not bad as a freshman".

12 Q. And how does Mr. Wilson respond?

13 A. "Thanks. Just want to be sure he is not a leper".

14 MR. FRANK: Could we show the witness only Exhibit 63,
15 please.

16 Q. Do you recognize this document?

17 A. Yes.

18 Q. What is it?

19 A. An e-mail from Rick Singer to John Wilson, copying Leslie
10:40 20 Wilson.

21 Q. What's the subject?

22 A. "Photos of Johnny".

23 Q. What is the date?

24 A. June 3, 2013.

25 MR. FRANK: The government offers 63.

1 THE COURT: It will be admitted.

2 (Exhibit 63 admitted into evidence.)

3 Q. Could you read the second e-mail in the chain on June 3rd
4 from John Wilson?

5 A. "Do any of these shots of Johnny look good enough or
6 should we get a specific one this week?"

7 Q. And how does Mr. Singer respond?

8 A. "They will work. If you can get a close up in action
9 would be better, but not totally necessary".

10:40 10 MR. FRANK: Could we show the witness only Exhibit 65,
11 please.

12 Q. Do you recognize this document?

13 A. Yes.

14 Q. What is it?

15 A. An e-mail from Leslie Wilson to Rick Singer, copying John
16 Wilson.

17 Q. And what e-mail address is Leslie Wilson writing from?

18 A. Leslie@leslieqwilson.com.

19 Q. What's the date?

10:41 20 A. June 11, 2013.

21 Q. What's the subject?

22 A. "H20 polo shots of Johnny Wilson".

23 MR. FRANK: Government offers 65.

24 THE COURT: It will be admitted.

25 (Exhibit 65 admitted into evidence.)

1 Q. Could you read the e-mail, please.

2 A. "Hi Rick, here are some shots of Johnny playing water
3 polo. My favorite is 7908, but please review and pass along to
4 USC the one you like the best. Thank you, Leslie".

5 MR. FRANK: Miss Lewis, if you could please flip us
6 slowly through the attachments.

7 Q. Special Agent, what do these appear to be?

8 A. A man playing water polo.

9 MR. FRANK: I'd now like to show the witness only
10:42 10 Exhibit 64, please.

11 Q. Do you recognize this document?

12 A. Yes.

13 Q. What is it?

14 A. An e-mail from Rick Singer to Leslie Wilson.

15 Q. What's the date?

16 A. June 4, 2013.

17 Q. Subject?

18 A. "Johnny".

19 MR. FRANK: Government offers 64.

10:42 20 THE COURT: It will be admitted.

21 (Exhibit 64 admitted into evidence.)

22 Q. Can we look at the e-mail at the bottom of the chain from
23 Leslie Wilson. Again, what e-mail address is that from?

24 A. Leslie@leslieqwilson.com.

25 Q. And could you read the e-mail, please?

1 A. "Johnny would like to sign up for UCLA
2 workshop/internship. It's such a great experience you have
3 lined up - fabulous opportunity. Johnny's two friends Wyatt
4 Driscoll (Johnny's friend who was severely hurt by football
5 injury) and another close friend of Johnny's, Elijah Glenn.

6 The 2 families would love to have their sons join
7 Johnny and are interested in making whatever financial
8 obligation... is necessary for the week plus your college
9 counseling. They would not be looking at schools with a sports
10:43 10 angle, but would love your counseling for their essays...

11 They do not know about our financial discussions
12 regarding Johnny and USC and we'd like to keep this
13 confidential between you and I. Please let me know if we can
14 make some type of arrangement for the three boys to attend your
15 internship and what dates they would fly into LA and what day
16 they would return. Thanks so much, Leslie".

17 Q. And how does Mr. Singer respond? Can you just read the
18 first couple of sentences, please.

19 A. "Leslie thank you. Our business together is only between
10:43 20 us. We can have all three" --

21 Q. You can stop right there.

22 MR. FRANK: And if we can look at 74 for the witness
23 only, please.

24 Q. Do you recognize this document?

25 A. Yes.

1 Q. What is it?

2 A. An e-mail from Rick Singer to John Wilson.

3 Q. What's the date?

4 A. August 11, 2013.

5 Q. What's the subject?

6 A. "Applications".

7 MR. FRANK: Government offers 74.

8 THE COURT: It will be admitted.

9 (Exhibit 74 admitted into evidence.)

10:44 10 Q. You see at the bottom there's an e-mail from Mr. Wilson to
11 Mr. Singer?

12 A. Yes.

13 Q. Could you read the last line of the e-mail, please.

14 A. "When do we make our first payment to USC?"

15 Q. And if we look at Mr. Singer's response to the inquiry,
16 "When do we make our first payment to USC?" Could you read the
17 second paragraph, please.

18 A. "US - Jovan and I meet in two weeks and at that time he
19 will give me his timeline for Johnny's stuff".

10:45 20 MR. FRANK: Could we show the witness only Exhibit 75,
21 please.

22 Q. Do you recognize this document?

23 A. Yes.

24 Q. What is it?

25 A. An e-mail from John Wilson to Rick Singer.

1 Q. What's the date?

2 A. August 24, 2013.

3 Q. What's the subject?

4 A. "Update on applications".

5 MR. FRANK: Government offers 75.

6 THE COURT: It will be admitted.

7 (Exhibit 75 admitted into evidence.)

8 Q. If we can start at the bottom of the chain, you see
9 there's an e-mail from John Wilson to Rick Singer?

10:45 10 A. Yes.

11 Q. And if we can just look at the very bottom, could you read
12 that e-mail?

13 A. "Where do we stand on applications? I assume they are all
14 out and can you please send me electric copies. What progress
15 is Johnny making on the essays, et cetera? Back up schools and
16 USC?

17 "When do I make first donation?"

18 Q. And if we could look at Mr. Singer's response, if you
19 could just read the last couple of sentences, beginning with

10:46 20 "UC."

21 A. "UC app not out until October 1st. As they become
22 available we will input but need to see Johnny for info and a
23 final list of schools. Jovan is in Greece. He texted me
24 yesterday that he wants Johnny's material, not app, around
25 September 20th".

1 Q. If we could look at Mr. Wilson's response, could you read
2 the last line, please?

3 A. "What does Jovan need by September 20th? Do you have what
4 we need? Do I make the first payment to you then?"

5 Q. And after Mr. Wilson inquires "Do I make the first payment
6 to you then," could you read Mr. Singer's response?

7 A. "I believe I have everything. Transcript, test scores,
8 and a player profile so he can add Johnny to his recruit list
9 and present him to admissions in October".

10:47 10 Q. And after Mr. Singer says that he will add Johnny to his
11 recruitment and present him to admissions in October, how does
12 Mr. Wilson respond in the first line?

13 A. "Great. Let me know when you have verified you have it
14 all completed and into Jovan. Also when and where to wire
15 money".

16 Q. And how does Mr. Singer respond?

17 A. "Will do".

18 MR. FRANK: Could we look at Exhibit 81 for the
19 witness only, please.

10:47 20 Q. Do you recognize this document?

21 A. Yes.

22 Q. What is it?

23 A. An e-mail from Jovan Vavic to Rick Singer.

24 Q. What's the date?

25 A. October 4, 2013.

1 MR. FRANK: Government offers 81.

2 THE COURT: It will be admitted.

3 (Exhibit 81 admitted into evidence.)

4 Q. You see there's an e-mail from Mr. Singer to Mr. Vavic at
5 the bottom, subject "Johnny Wilson - water polo Menlo School -
6 Stanford club polo" --

7 A. Yes.

8 Q. -- "per our conversation"?

9 A. Yes.

10:48 10 Q. And how does Mr. Vavic respond?

11 A. "Rick, I need his resume, needs to be a good resume.
12 Thanks, Jovan".

13 MR. FRANK: Could we look at 83, please, for the
14 witness only.

15 Q. Do you recognize this document?

16 A. Yes.

17 Q. What is it?

18 A. An e-mail from John Wilson to Rick Singer, copying Leslie
19 Wilson.

10:48 20 Q. What is the date?

21 A. October 13, 2013.

22 Q. This is another long chain. I'm sorry. What is the
23 subject line?

24 A. "Johnny apps and USC et cetera".

25 MR. FRANK: Government offers 83.

1 THE COURT: Admitted.

2 (Exhibit 83 admitted into evidence.)

3 Q. This is a long chain. I'm going to start at the bottom.
4 There's an e-mail from John Wilson to Rick Singer on Saturday,
5 October 12th. Do you see that?

6 A. Yes.

7 Q. Could you read that into the record, please.

8 A. "Hope all is well. I wanted to catch up on where the
9 college app process stands (personal statement, USC, other
10:49 10 essays, the total application status, when J is taking the new
11 SAT and ACTs, et cetera.) Is there a time we can chat today or
12 tomorrow?"

13 Q. How does Mr. Singer respond?

14 A. "Common application will be submitted between
15 December 1st-15th after next test dates and apps done. Jovan
16 has Johnny's stuff and asked me to embellish his profile more,
17 which I am doing. ACT signed up for October 26th, SAT
18 November 2nd".

19 Q. After Mr. Singer tells Mr. Wilson that Jovan has Johnny's
10:49 20 stuff and asked me to embellish his profile more, which I am
21 doing, how does Mr. Wilson respond? If you could look at line
22 2 of his response and read that for the record.

23 A. "Also when is Jovan going to be able to give us decision
24 on USC? And when do I pay you? Was it 50 percent in November?
25 50 percent in February when we get final official notice?"

1 Q. And if we can just look at Mr. Singer's response in the
2 second paragraph, can you read that for the record, please.

3 A. "Jovan will provide Johnny's info to admission and when he
4 does his other guys over the next month. No payment of money
5 till he gets a verbal and written from admission and then
6 50 percent to a savings account I set up. Then the remainder
7 upon an acceptance letter in March with everyone else".

8 MR. KENDALL: Your Honor, for the sake of
9 completeness, could we have the preceding paragraph read, as
10:50 10 well?

11 MR. FRANK: The preceding paragraph is in evidence.

12 THE COURT: You can have him read it while we're here.

13 MR. FRANK: Okay.

14 Q. Could you read it, please.

15 A. "First is to finalize the Personal Statement - this is all
16 about Johnny putting in time not me - my work is done quickly
17 or is done. The profile I am assuming you are speaking about
18 Navience? I have attached the Common to Navience, filled in
19 schools et cetera - all done. The teacher rec part he will do
10:51 20 this week".

21 Q. And after Mr. Singer told Mr. Wilson that Jovan will
22 provide Johnny's info to admission and no payment money until
23 he gets a verbal and written response from admissions, how did
24 Mr. Wilson respond?

25 A. "Do you have his latest personal statement draft? Can you

1 forward it and I will talk with him about it. Does he have all
2 your feedback and clear on what additional improvements you
3 suggest?"

4 Q. If we could look further up in the chain, do you see
5 there's a long essay there?

6 A. Yes.

7 Q. I'm not going to ask you to read that. The jury will have
8 it. But if you could just read the first couple of sentences
9 under Mr. Singer's e-mail.

10:52 10 A. "I took the liberty of completing the essay.

11 Life lessons from the water!!"

12 Q. And if we could look at Mr. Wilson's response, could you
13 read that for the record, please.

14 A. "Rick, thanks so much. Looks great. Several quick
15 suggestions to wrap this up. That I edited below.

16 "One, add a title like 'life lessons from the water!'
17 Maybe split the second to last paragraph so it ends with the
18 lesson (like the previous paragraphs). Three, add a closing
19 sentence about the future with hints at playing in college".

10:52 20 MR. FRANK: Can we show the witness only Exhibit 84,
21 please.

22 Q. Special Agent, do you recognize Exhibit 84?

23 A. Yes.

24 Q. What is it?

25 A. An e-mail from Rick Singer to Joel Margulies.

1 Q. What's the date?

2 A. October 14, 2013.

3 Q. What is the subject?

4 A. "Johnny Wilson profile - need ASAP".

5 MR. FRANK: Government offers 84.

6 THE COURT: It will be admitted.

7 (Exhibit 84 admitted into evidence.)

8 Q. Special Agent, if you could read the first two lines of
9 this e-mail.

10:53 10 A. "Johnny Wilson 6'1" 180 pounds position - driver - No. 6
11 swimming times - 50 freestyle 22.49 short course - 100
12 freestyle 49.45 short course".

13 Q. And then under "Awards & Honors", can you read the first
14 two entries, please?

15 A. "2010, 2011, 2012, 2013 - Varsity Letterman, 2011, 2012,
16 2013 - Cocaptain."

17 Q. You see there's an ongoing list of awards after that?

18 A. Yes.

19 Q. And what is the last one on the list?

10:54 20 A. "Asics National Sports Youth Leadership Council - 2012,
21 2013".

22 MR. FRANK: Miss Lewis, if you could just put this up
23 on the right, please. And put 83 in evidence on the left. And
24 if we could go to page 3 of 83. And if you could just enlarge
25 that e-mail at the bottom there on October 13th.

1 Q. What is the date of when Mr. Singer advised Mr. Wilson
2 "Jovan has Johnny's stuff and asked me to embellish his profile
3 more, which I am doing"?

4 A. That e-mail was sent on October 13, 2013.

5 Q. What is the date of Mr. Singer's e-mail to Mr. Margulies,
6 Subject line, "Johnny Wilson profile"?

7 A. The next day, October 14, 2013.

8 Q. Thank you.

9 MR. FRANK: If we could take down Exhibit 83 on the
10:55 10 left. And if we could show the witness only Exhibit 85,
11 please.

12 Q. Who is this from?

13 A. It's from Rick Singer to Joel Margulies.

14 Q. What is the date?

15 A. October 14, 2013.

16 Q. What is the time -- or the subject?

17 A. "Johnny Wilson".

18 MR. FRANK: Government offers 85.

19 THE COURT: Admitted.

10:55 20 (Exhibit 85 admitted into evidence.)

21 MR. FRANK: Miss Lewis, if you could put 85 on the
22 right, please, and 84 on the left. And if you could enlarge
23 the top of 84, please, just the first couple of lines. Thank
24 you.

25 Q. What is the date and time of Exhibit 84?

1 A. 84 is October 14, 2013, at 11:43 a.m.

2 Q. What is the date and time of Exhibit 85?

3 A. October 14, 2013, at 12:27 p.m.

4 Q. So about 45 minutes later?

5 A. Yes.

6 MR. FRANK: Miss Lewis, if you could take down that
7 enlargement. Thank you.

8 Q. What are the swimming times listed for Johnny Wilson at
9 11:43 a.m.?

10:56 10 A. At 11:43, they're listed as 50 freestyle 22.49 seconds
11 short course, 100 freestyle 49.45 short course.

12 Q. What are the swim times listed for Johnny Wilson at
13 12:27 p.m., approximately 45 minutes later?

14 A. 20.12 short course, 50 freestyle, and 43.98 100 freestyle.

15 Q. Which ones are better?

16 MR. KENDALL: Objection, your Honor.

17 THE COURT: Sustained.

18 Q. How do the swim times in Exhibit 85 compare to the swim
19 times in 84? Are they longer or shorter?

10:57 20 A. They are shorter.

21 MR. FRANK: Can we look at, for the witness only,
22 Exhibit 88, please.

23 Q. Do you recognize this document?

24 A. Yes.

25 Q. What is it?

1 A. It's an e-mail from Rick Singer to John Wilson.

2 Q. What is the date?

3 A. October 19, 2013.

4 Q. What's the subject?

5 A. "Wilson."

6 MR. FRANK: Government offers Exhibit 88.

7 THE COURT: Admitted.

8 (Exhibit 88 admitted into evidence.)

9 Q. Do you see that Mr. Singer is forwarding Mr. Wilson an
10:58 10 attachment?

11 A. Yes.

12 Q. And who is the forwarded message from?

13 A. Joel Margulies.

14 Q. And could we look at the attachment, please. What does
15 that appear to be?

16 A. A profile for John B. Wilson.

17 MR. FRANK: Okay. And could we put that on the right,
18 please. And could we put Exhibit 84 on the left. This is the
19 earlier e-mail to Mr. Margulies. And then could we
10:58 20 put exhibit -- substitute Exhibit 85 for Exhibit 84. And if

21 you could just enlarge those times and enlarge, please,
22 Miss Lewis, the swim times on the left under the photograph.

23 Q. Special Agent, the swim times on the profile that
24 Mr. Singer sent to Mr. Wilson, how do they compare with the
25 swim times in Exhibit 85?

1 A. They're the same.

2 Q. And if we could just look back at Exhibit 88, the cover
3 e-mail, what e-mail address does Mr. Singer send that to?

4 A. He sent it to John@Hyannisportcapital.com.

5 MR. FRANK: Can we look at Exhibit 87, please, just
6 for the witness only.

7 Q. Do you recognize this document?

8 A. Yes.

9 Q. What is it?

10:59 10 A. It's an e-mail from Debbie Rogers to Rick Singer.

11 Q. What's the date?

12 A. October 18, 2013.

13 Q. What's the subject?

14 A. "Menlo letter".

15 MR. FRANK: Government offers 87.

16 THE COURT: Admitted.

17 (Exhibit 87 admitted into evidence.)

18 Q. What does the logo above Debbie Rogers' signature block
19 say?

11:00 20 A. Hyannis Port Capital.

21 Q. And there appears to be an image in the logo?

22 A. Yes.

23 Q. Do you see that? What is the image?

24 A. Appears to be the illustration of a sailboat, a sail from
25 a sailboat.

1 Q. You see that she's forwarding the e-mail to Mr. Singer?

2 A. Yes.

3 Q. There's another e-mail lower in the chain?

4 A. Yes.

5 MR. FRANK: And who -- Miss Lewis, if you could just
6 zoom out. Yeah. Thank you.

7 Q. Who is the e-mail lower in the chain with?

8 A. It's from Debbie Rogers to John Wilson and Leslie Wilson.

9 Q. Okay. And if we could just look at the attachment,
11:01 10 please. What is the heading of the attachment?

11 A. It's from Mark Clevenger, the Director of College
12 Counseling at Menlo School.

13 Q. Can you read the first paragraph, please.

14 MR. KENDALL: Again, your Honor, for completeness, can
15 we have the first two?

16 THE COURT: Let him do his thing. And then we'll see
17 if we can shortcut it.

18 MR. FRANK: He can read the first two. That's fine.

19 A. "In an effort to provide maximum clarity and support for
11:01 20 Menlo seniors, our team has met and reviewed each senior's
21 college list. Our goal is to ensure that the lists are, in our
22 view, balanced and appropriate. You will find your senior's
23 list enclosed, along with our assessment of the likelihood of
24 admission at each school. At the bottom of the list you will
25 see a brief summary statement about the list.

1 The ultimate goal is to make sure that every senior
2 is striving appropriately while remaining safe in this process.
3 We are fully aware that in many cases, students have
4 extenuating circumstances at certain colleges and universities
5 - alumni ties, athletic recruitment, et cetera. Our analysis
6 does not factor in these circumstances and is based strictly on
7 students' academic records, test scores, and extracurricular
8 profiles".

9 Q. And if we could look at the next page, please, what's the
11:02 10 heading?

11 A. "John B. 'Johnny' Wilson (class of 2014) Active College
12 Applications".

13 Q. And do you see there is a list of colleges below that?

14 A. Yes.

15 Q. And there's a Menlo assessment on the right?

16 A. Yes.

17 Q. What is the second to last college on the list?

18 A. It's the University of Southern California.

19 Q. What is the Menlo assessment in the absence of factors
11:02 20 like athletic recruitment and alumni ties?

21 A. They note it as an "RR", which in the table below is a
22 "Double Reach".

23 MR. FRANK: Can we look at Exhibit 89 for the witness
24 only, please.

25 Q. Do you recognize this document?

1 A. Yes.

2 Q. What is it?

3 A. It's an e-mail from John Wilson to Rick Singer, copying
4 Leslie Wilson.

5 Q. What's the date?

6 A. October 23, 2013.

7 Q. What's the subject?

8 A. "Quick question on Johnny spring/summer".

9 MR. FRANK: And the government offers 89.

11:03 10 THE COURT: Admitted.

11 (Exhibit 89 admitted into evidence.)

12 Q. If we could look at the bottom e-mail in the chain from
13 Mr. Wilson to Mr. Singer, could you read the first line,
14 please.

15 A. "What are the expectations if Johnny gets into USC through
16 this WP water polo approach?"

17 Q. And how does Mr. Singer respond?

18 A. "Just be ready for practice in the fall as a player on the
19 roster or just a member of the squad, but not get in the pool.

11:04 20 He has to be on the roster for a year one way or another".

21 Q. And how does Mr. Wilson respond after Mr. Singer says that
22 Johnny does not have to get in the pool?

23 A. "Thanks. We are encouraging Johnny to focus on water polo
24 this spring and he will do Sopen and Stanford club. (Not
25 varsity swimming - as that requires him to skip all senior

1 trips - off).

2 "That way he can take senior trip to Spain for a week
3 and also spend 2 weeks in the spring coming to Europe to visit
4 with us.

5 "I strongly prefer he plays as hard as he can and at
6 least suits up and scrimmages with the team. Would it also
7 make sense for him to try a week of camp at USC?

8 When would he need to start this, August or
9 September?"

11:05 10 MR. FRANK: Can we show the witness --

11 THE COURT: No. We're going to take the morning
12 recess at this stage. You can step down, Mr. Brown. We'll be
13 in recess for 15 minutes, jurors.

14 (Jury exits.)

15 THE COURT: Be seated, counsel. Approximately how
16 much longer on direct of Mr. Brown?

17 MR. FRANK: I would estimate an hour, perhaps a little
18 longer.

19 THE COURT: And the estimated cross-examinations?

11:06 20 MR. KENDALL: We'll get started today obviously, but
21 we'll go into Friday.

22 MR. KELLY: Your Honor, I'll cross a bit as well, your
23 Honor.

24 I also without -- we may submit a request for a
25 limiting instruction because there's been a lot of evidence

1 about other parents and other coconspirators. I think the
2 Court said in last year's ruling that whether such evidence
3 should be admitted in conjunction with a limiting instruction
4 to the jury is a question for another day.

5 I think that day is here. So with the Court's
6 permission, we will submit a request for a limiting instruction
7 to the effect that, you know, evidence regarding other parents
8 should be considered only to the extent it bears on the nature
9 and scope of the conspiracy and that proof that the defendants
11:07 10 willfully joined must be based upon evidence in their own words
11 and actions.

12 I'll spell it out. That's consistent with First
13 Circuit law. There's been a lot of evidence coming in
14 regarding other parents. I understand the context. I
15 understand it's based upon the alleged conspiracy. I think the
16 jury's got to be told. They may not understand that, so we're
17 going to request that, please.

18 THE COURT: All right.

19 Does the government have a position on that?

11:07 20 MR. FRANK: Your Honor, typically those -- my
21 understanding is those limiting instructions are given at the
22 conclusion of the evidence when the case is submitted to the
23 jury. I'm not sure that we object to a limiting instruction
24 now. My only concern is, I don't know this for certain, but we
25 received a transcript from the defense last night concerning an

1 exhibit that relates to an uncharged parent who -- and my fear
2 is given the length of cross-examination that they're
3 estimating for Mr. Brown, who is really just reading records
4 into evidence, that they may be planning to seek to introduce
5 evidence regarding other uncharged parents. And my concern
6 about that is, if we give a limiting instruction regarding
7 coconspirator parents, I don't want there to be confusion about
8 parents who are not part of the conspiracy, which I don't think
9 that evidence should come in at all.

11:08 10 THE COURT: Mr. Kelly?

11 MR. KELLY: I believe it's a voicemail that Singer
12 left for somebody, somebody who is referenced, I believe, in
13 the exhibit. It's a separate issue. I think the transcript
14 he's talking about is simply a voice message Singer left to
15 another parent who he's already referenced in this case.

16 I think that's a separate issue. I'm more focused
17 upon all this other evidence coming in for all these other
18 parents who are alleged to be conspirators. I understand the
19 Court's ruling. I'm not so sure the jury does. I just don't
11:09 20 want them to misunderstand that.

21 THE COURT: Give a copy of your proposal to the
22 government, and we'll consider it when it's submitted.

23 MR. KELLY: Thank you.

24 THE COURT: Do counsel have a preference as to whether
25 we have an afternoon session today?

1 MR. KENDALL: I'd be happy to have it, your Honor, not
2 too late.

3 THE COURT: We won't go after three. We've said that
4 before.

5 MR. KENDALL: Given how much he needs to cover, I
6 think it would be great, your Honor.

7 THE COURT: We'll go to three. Thank you. We're in
8 recess.

9 (Recess taken 11:09 a.m. through 11:28 a.m.)

11:29 10 (Jury enters.)

11 THE COURT: Good morning again, jurors. And
12 Mr. Brown, you're reminded that you remain under oath.
13 Mr. Frank, you may continue your examination.

14 MR. FRANK: If we could look at Exhibit 101 for the
15 witness only, please.

16 Q. Do you recognize that document, Special Agent?

17 A. Yes.

18 Q. What is it?

19 A. It's an e-mail from Rick Singer to Jovan Vavic.

11:30 20 Q. And what is the date?

21 A. January 21, 2014.

22 Q. What is the subject?

23 A. "Johnny Wilson, Water Polo Menlo School Stanford Club
24 Polo."

25 MR. FRANK: The government offers 101.

1 THE COURT: It will be admitted.

2 (Exhibit 101 admitted into evidence.)

3 MR. FRANK: If we could just start at the bottom of
4 the chain. Actually, one e-mail up.

5 Q. Do you see that there's an e-mail on January 21, from
6 Jovan Vavic?

7 A. Yes.

8 Q. Could you read that for the record, please.

9 A. "Rick, is Johnny still interested in USC? If so, we need
11:31 10 his fall grades, unofficial is fine, thanks, Jovan."

11 Q. How does Mr. Singer respond?

12 A. "Absolutely - family is ready to help. I will forward
13 ASAP. Thank you."

14 Q. And after Mr. Singer responds "Family is ready to help,"
15 how does Mr. Vavic respond?

16 A. "This will be a big class, we already have 12 verbal and
17 16 very interested, I cannot guaranty anything, he will go to
18 SUBCO after my top recruits, most likely in February/March.
19 But I will present him with my top walkons."

11:32 20 Q. And how does Mr. Singer respond?

21 A. "I really appreciate it. The family is fully on board.
22 All your help is always very much appreciated. Thank you."

23 Q. What is the date of this e-mail?

24 A. January 21, 2014.

25 Q. And directing your attention to the second e-mail in the

1 chain, what is the date that Mr. Vavic says he will go to
2 SUBCO?

3 A. Most likely in February or March.

4 MR. FRANK: Could we show the witness only Exhibit
5 710, please.

6 Q. Do you recognize that document?

7 A. Yes.

8 Q. What is it?

9 A. An e-mail from John Wilson to Rick Singer copying Debbie
11:33 10 Rogers.

11 Q. Subject?

12 A. "USC fees."

13 Q. What is the date?

14 A. March 1, 2014.

15 MR. FRANK: The government offers 710.

16 THE COURT: Admitted.

17 (Exhibit 710 admitted into evidence.)

18 Q. Special Agent, again, what was the date that Mr. Vavic
19 said he would go to SUBCO?

11:33 20 A. In February or March.

21 MR. FRANK: Could we look at the bottom e-mail on this
22 chain, please.

23 Q. What is the date?

24 A. March 1, 2014.

25 Q. What does Mr. Wilson write?

1 A. "Rick, thanks again for making this happen. Please give
2 me the invoice. What are the options for payment? Can we make
3 it for consulting or whatever from the key so that I can pay it
4 from the corporate account? J."

5 Q. After Mr. Wilson asks, "What are the options for payment?
6 Can we make it for consulting or whatever from the key so that
7 I can pay it from the corporate account," how does Mr. Singer
8 respond?

9 A. "Yes, we can send you an invoice for business consulting
11:34 10 fees and you may write off as an expense. What is the name,
11 address, et cetera, you want the invoice to be made out to?"

12 Q. And again, what is the subject line of this e-mail?

13 A. "USC fees."

14 Q. And what was the response from Mr. Wilson?

15 A. "R. Awesome. Hyannis Port Capital, Inc. 2 Fleur Place,
16 Atherton, California 94027, Care of Debbie Rogers. John."

17 Q. And who is copied on this e-mail?

18 A. Debbie Rogers.

19 Q. And what e-mail address does Mr. Wilson send this e-mail
11:34 20 from?

21 A. The john@hyannisportcapital.com e-mail address.

22 MR. FRANK: Can we show the witness only Exhibit 109,
23 please.

24 Q. Do you recognize this document?

25 A. Yes.

1 Q. What is it?

2 A. It's an e-mail from John Wilson to Debbie Rogers.

3 Q. What is the date?

4 A. March 29, 2014.

5 Q. What is the subject?

6 A. "Wire to The Key."

7 MR. FRANK: The government offers 109.

8 THE COURT: Admitted.

9 (Exhibit 109 admitted into evidence.)

11:35 10 Q. Could you read the first e-mail at the bottom of the
11 chain, please.

12 A. "D. Monday we will get an invoice and wiring instructions
13 for \$250,000 to be paid by HPC Inc. Thanks. J."

14 Q. How does Ms. Rogers respond?

15 A. "And what is the account I'm charging this to?"

16 Q. And how does Mr. Wilson respond?

17 A. "Business consulting - the invoice will be for consulting
18 - please work with him to get an invoice correct."

19 MR. FRANK: Can we show the witness only 110, please.

11:36 20 Q. Do you recognize this?

21 MR. KENDALL: Excuse me, we can't see the screen.

22 THE COURT: Do we have electronic problems here?

23 MR. KENDALL: We're getting snow, your Honor.

24 THE COURT: Okay. Let's see if we can help it.

25 (Pause.)

1 THE COURT: Well, we have IT on the way. What do
2 counsel propose?

3 MR. FRANK: Can the jurors see the exhibits?

4 THE COURT: Is the jury -- that's right. This is only
5 for the witness.

6 MR. FRANK: Could we look at 710 in evidence just to
7 see if it shows up on the jurors' screens?

8 It does, your Honor. I think the jurors' screens are
9 working. If counsel are willing, they have hard copies, if we
11:39 10 could move ahead.

11 THE COURT: Counsel, do you have hard copies?

12 MR. KENDALL: We do but we'd have to locate things
13 given the volume as we go through each one.

14 MR. FRANK: I think you have a binder of these
15 exhibits in order.

16 MR. TOMBACK: Can you give us the exhibits so that we
17 can track just off of those instead of the binders?

18 MR. KENDALL: They're not in numerical order, so
19 locating them --

11:40 20 MR. FRANK: We just finished with 710.

21 MR. KENDALL: What's the next one?

22 MR. FRANK: 109. I'm sorry.

23 THE COURT: 110.

24 MR. FRANK: You're right, your Honor, 110. May I
25 proceed, your Honor?

1 THE COURT: Do you have it?

2 MR. KENDALL: Yes, I'm ready. Yes, thank you.

3 THE COURT: 110.

4 MR. FRANK: For the witness only, 110.

5 Q. Do you recognize that e-mail?

6 A. Yes.

7 Q. What is it?

8 A. An e-mail from John Wilson to Debbie Rogers.

9 Q. And what is the subject?

11:40 10 A. "Wire to The Key."

11 Q. The date?

12 A. March 30, 2014.

13 MR. FRANK: The government offers 110.

14 THE COURT: It will be admitted.

15 (Exhibit 110 admitted into evidence.)

16 Q. And do you see at the bottom there of the enlarged section
17 there's Ms. Rogers' e-mail from March 29, "What is the account
18 I'm charging this to?"

19 A. Yes.

11:41 20 Q. That was the e-mail we previously saw?

21 A. Yes.

22 Q. And how does Mr. Wilson respond the next day?

23 A. "By the way the amount is \$200,000 not 250,000."

24 MR. FRANK: Could we show the witness only Exhibit
25 112, please.

1 Q. Do you recognize this document?

2 A. Yes.

3 Q. What is it?

4 A. An e-mail from John Wilson to Debbie Rogers.

5 Q. What is the date?

6 A. March 31, 2014.

7 Q. What is the subject?

8 A. "The Key."

9 MR. FRANK: The government offers 112.

11:41 10 THE COURT: It will be admitted.

11 (Exhibit 112 admitted into evidence.)

12 THE COURT: We're going to stop just for a second and
13 see if we can get some technological help. Come forward. It's
14 counsel's screens.

15 INFORMATION TECHNOLOGIST: Thank you, Judge. I'm
16 going to go up through, I just need to visually verify first.
17 I will go up there first and come back to verify with you all.

18 COURTROOM CLERK: Thank you.

19 MR. FRANK: Should I proceed, your Honor?

11:42 20 THE COURT: Do you have a copy of 112, Mr. Kendall?

21 MR. KENDALL: Yes, Your Honor.

22 THE COURT: All right. We'll proceed.

23 MR. FRANK: You can start at the bottom of the chain.

24 Q. Do you see the e-mail from Debbie Rogers to Mr. Wilson?

25 A. Yes.

1 Q. What does she write?

2 A. "You realize if they are not incorporated, they will
3 receive a 1099 if this is ran through the business... They
4 will also need to provide HPC a completed W-9 for tax reporting
5 purposes. "

6 Q. How does Mr. Wilson respond?

7 A. He writes, "Yes, they are a legit business. Please work
8 with them on the right paperwork. Thanks. J."

9 Q. How does Ms. Rogers respond?

11:43 10 A. "Who do I work with, Steve?"

11 Q. How does Mr. Wilson respond?

12 A. "Start with Rick Singer. Thanks."

13 Q. And then Ms. Rogers' response again?

14 A. "I contacted Rick and he directed me to Steve. Per Steve,
15 100,000 will be to his foundation, 100,000 an invoice from The
16 Key and 20,000 to Rick Singer. Since you said 200,000, we're
17 at 220,000. Is this a moving target?"

18 Q. And how does Mr. Wilson respond?

19 A. "Yes. I added \$20,000 for his expenses."

11:44 20 Q. And Ms. Rogers' response to that?

21 A. "And you want this invoiced to HPC as well?"

22 Q. And how does Mr. Wilson respond?

23 A. "Yes."

24 MR. FRANK: Could we show the witness only Exhibit
25 120, please.

1 Q. Do you recognize 120?

2 A. Yes.

3 Q. What is it?

4 A. It's an e-mail from Rick Singer to Steve Masera.

5 Q. And what is the date?

6 A. April 15, 2014.

7 Q. And what's the subject?

8 A. "USC."

9 MR. FRANK: The government offers Exhibit 120.

11:44 10 THE COURT: Admitted.

11 (Exhibit 120 admitted into evidence.)

12 MR. FRANK: Can we start at the bottom of the chain.

13 Q. What is Mr. Masera's e-mail at the bottom of the chain?

14 A. "When do you want to pay USC water polo for John Wilson
15 and USC baseball for Rudy Driscoll?"

16 Q. And how does Mr. Singer respond?

17 A. "ASAP if we can afford it."

18 Q. And how does Mr. Masera respond?

19 A. "Yes, we can send now. Do you have names and addresses
11:45 20 for each?"

21 Q. And how does Mr. Singer respond?

22 A. "I would like to deliver a cashier check to both this
23 week."

24 MR. FRANK: Could we show the witness only Exhibit
25 122, please. And we -- exactly. Thank you, Ms. Lewis.

1 Q. Special Agent, do you recognize 122?

2 A. Yes.

3 Q. What is it?

4 A. It's a redacted e-mail between John Wilson and Debbie
5 Rogers.

6 Q. What is the date?

7 A. July 14, 2014.

8 Q. And what's the subject?

9 A. "Rough thoughts on cash."

11:46 10 MR. FRANK: The government offers 122.

11 THE COURT: In its redacted form?

12 MR. FRANK: In its redacted form, your Honor, by
13 stipulation of counsel.

14 THE COURT: It will be admitted as redacted.

15 (Exhibit 122 admitted into evidence.)

16 MR. FRANK: And I represent to you, sir, that the
17 redactions are numbers and dollar amounts.

18 Q. Do you see it says "Rough thoughts on cash" at the top?

19 A. Yes.

11:46 20 Q. If you could look at the top, he says, "D. Sale of
21 house," and there's a redacted number, "net."

22 A. Yes.

23 Q. Then it says, "Paid down," and there's a redacted number,
24 "in HP."

25 A. Yes.

1 Q. Do you know what "HP" refers to?

2 A. I understand it to be a reference to Hyannis Port.

3 Q. And below that it says "net," and there's a redacted
4 number, "cash." Then it says, "Refinanced HP," and then
5 there's a redacted number, "mortgage." Do you see that?

6 A. Yes.

7 Q. And then below that there's a section "Big uses." Do you
8 see that?

9 A. Yes.

11:47 10 Q. And there's one item that is not redacted. Can you read
11 the big use that is not redacted for the record.

12 A. "Rick for USC \$250,000."

13 MR. FRANK: Could we show the witness only 124,
14 please.

15 Q. Do you recognize this document?

16 A. Yes.

17 Q. What is it?

18 A. An e-mail from Leslie Wilson to John Wilson.

19 Q. What is the date?

11:48 20 A. July 22, 2014.

21 Q. What is the subject?

22 A. "Johnny start at USC water polo."

23 MR. FRANK: The government offers 124.

24 THE COURT: Admitted.

25 (Exhibit 124 admitted into evidence.)

1 MR. FRANK: Could we start at the bottom of the chain,
2 please.

3 Q. Do you see there's an e-mail from Mr. Wilson to
4 Mr. Singer?

5 A. Yes.

6 Q. Could you read that for the record, please.

7 A. "Hope all is well. Trying to book flights to California
8 to get Johnny moved in, et cetera. What is the start date for
9 him for water polo? I thought you mentioned August 14 or so.

11:48 10 USC policy says he cannot arrive before August 20 without a
11 written letter from a coach or teacher. Johnny sent an e-mail
12 to Jovan but didn't hear back."

13 Q. And how does Mr. Singer respond?

14 A. "First practice is August 19. He needs to call Jovan and
15 get what he needs. He must create a relationship if wants to
16 be on the team. Jovan is a great guy - rough at practice but
17 responds when called on."

18 Q. And you see that there's an exchange at the top between
19 Leslie Wilson and John Wilson?

11:49 20 A. Yes.

21 Q. Could you read that, please.

22 A. "Thank you honey. I'll keep after Johnny to see Jovan
23 while he's there."

24 MR. FRANK: Okay. If we could show the witness only
25 126, please.

1 Q. Do you recognize this document?

2 A. Yes.

3 Q. Who is it from?

4 A. It's from Debbie Rogers.

5 Q. Who is it to?

6 A. John Wilson and Leslie Wilson.

7 Q. And what is the e-mail address for Leslie Wilson?

8 A. Leslie@leslieqwilson.com.

9 Q. And for John Wilson?

11:49 10 A. John@hyannisportcapital.com.

11 Q. What is the subject?

12 A. "USC gift ACK," acknowledgment.

13 Q. And what is the attachment called?

14 A. "SC Trojan Athletic Fund, 7-28-2014.pdf."

15 MR. FRANK: Government offers 126.

16 THE COURT: Admitted.

17 (Exhibit 126 admitted into evidence.)

18 MR. FRANK: You can enlarge that, Ms. Lewis, thank
19 you, for the jurors to see, and we will move to the attachment.

11:50 20 Q. What is the heading of the attachment?

21 A. "The Trojan Athletic Fund, USC Department of Athletics,
22 Los Angeles, California."

23 Q. Okay. Can you read the letter, please.

24 A. "Dear John and Leslie, thank you for your generous gift to
25 USC athletics men's water polo in the amount of \$100,000.

1 Maintaining state-of-the-art facilities is an essential part of
2 USC's commitment to excellence. Through your contribution, you
3 are helping the university achieve this important goal. On
4 behalf of the young student-athletes that will benefit from
5 your anonymous gift, thank you. Fight on. Ron Orr."

6 MR. FRANK: I just want to quickly go back to Exhibit
7 124, Special Agent. And Ms. Lewis, if you could enlarge the
8 e-mail, the second e-mail up from the bottom.

9 Q. When does Mr. Singer tell Mr. Wilson first practice is?

11:51 10 A. August 19.

11 Q. And what's the year?

12 A. 2014.

13 MR. FRANK: Okay. Could we show the witness only
14 Exhibit 137, please.

15 Q. Who is this from?

16 A. It's from John Wilson.

17 Q. What is the e-mail address?

18 A. Johnbwilson@usc.edu.

19 Q. And who is it to?

11:52 20 A. Jovan Vavic.

21 Q. What is the date?

22 A. January 12, 2015.

23 Q. How long is January 2015 after August of 2014?

24 A. Approximately four months later.

25 MR. FRANK: Government offers 137.

1 THE COURT: Admitted.

2 (Exhibit 137 admitted into evidence.)

3 Q. Could you read the e-mail for the record, please.

4 A. "I hope you had a great break and wonderful holiday
5 season. I wanted to thank you and illustrate how profoundly
6 appreciative I am for the incredible opportunity you have given
7 me here at USC as an individual member on the team as well as a
8 student at this school. Unfortunately this was a much bigger
9 commitment than I had planned on making, and despite my best
11:53 10 efforts, my grades reflected my inability to balance my
11 academic and athletic life. Along with my academic struggles,
12 I am also still very conscientious about my situation regarding
13 my head. While water polo has gotten me very far in my life
14 and has always played a major role, I must start considering
15 being more careful with my head. I already have three
16 diagnosed concussions, and with a very likely fourth concussion
17 looming in the near future I must start considering my future.
18 Because my body is already starting to burn out from water
19 polo, I need to make sure the same doesn't happen with my head.
11:53 20 I will need to use my brain for the next 70 years, and for this
21 reason, I need to be focusing more on my academic life and my
22 future over water polo. For these reasons, I will not be
23 playing water polo this semester and will be focusing on my
24 academic life and my future career in the business world."

25 MR. FRANK: Special Agent, I'd now like to

1 fast-forward a few months. If we could show the witness only
2 Exhibit 154, please.

3 MR. KENDALL: Objection, Your Honor.

4 THE COURT: Grounds?

5 MR. KENDALL: I hate to say this, this may be
6 something that would warrant a sidebar. I don't want to speak
7 in front of the jury.

8 THE COURT: All right.

9 *** Beginning of Sidebar ***

11:55 10 THE COURT: Mr. Kendall.

11 MR. KENDALL: This is the e-mail about Singer paying
12 the tuitions for Vavic's children 18 months after my client's
13 son was admitted to USC. And if you may remember --

14 THE COURT: Try to keep your voice down. Speak right
15 down into here.

16 MR. KENDALL: If you may remember, the government,
17 when they raised this and we litigated it before you, said they
18 make no representation my client knew about this or it was his
19 money. And in fact, the debriefings from Singer say the
11:55 20 purpose of this payment was if he needed future favors from
21 Vavic, not from a prior obligation.

22 When Mr. Frank went to these e-mails, he said we're
23 now going to do a bunch of Johnny Wilson e-mails. And he's
24 juxtaposed this to give it the appearance that the Vavic e-mail
25 relates to Wilson.

1 I think we need some type of clarification that the
2 government makes no representation that my client knew about
3 this, that it was his money or it relates to his son's
4 admission. It's just to show a separate Vavic/Singer
5 relationship. That's why I didn't want to say it in front of
6 the jury.

7 THE COURT: Yes, fair enough.

8 MR. FRANK: We absolutely intend to make clear the
9 timeline, that this is long after Mr. Wilson -- that was going
10 to be my next question, actually. This is long after Mr.
11 Wilson paid his funds and indeed after his son quit the team.

12 And we opened on the fact that these personal payments
13 were something that Mr. Singer did not tell the parents about.
14 That's in our opening statement. We said it repeatedly.

15 THE COURT: Okay.

16 MR. KENDALL: If we could have that clarified when it
17 comes in. Otherwise the juxtaposition is unfair.

18 THE COURT: Well, put it in the prefix of your
19 question. And if it isn't satisfactory to you, Mr. Kendall,
11:56 20 you can give me a draft instruction to the jury if you want,
21 but that will take some time. We'll do it at the break.

22 MR. FRANK: The only other issue, your Honor, with the
23 prefix is this witness is a reader. He doesn't have all of the
24 information about Mr. Singer's statements, so we're going to
25 make clear the timeline, crystal clear.

1 THE COURT: All right.

2 MR. FRANK: And there will be no argument at any point
3 that Mr. Singer told Mr. Wilson about these payments.

4 MR. KENDALL: Maybe it could just be, the witness
5 could be led by the government, and I wouldn't object to this
6 leading.

7 MR. FRANK: He's not going to know what I'm talking
8 about.

9 MR. KENDALL: If I may finish. If he could just say,
11:57 10 "Agent, you make no representation that there's a connection
11 between these payments and Mr. Wilson in any way" --

12 MR. FRANK: Well, that's not true. There is a
13 connection. It's part of the scheme. It's part of the
14 conspiracy.

15 THE COURT: Go forward. And Mr. Kendall, after this
16 colloquy back and forth, if you feel you need some special
17 instruction, you draft one, and I'll consider it at the break.

18 MR. KENDALL: Excellent. Thank you your Honor.

19 THE COURT: Okay.

11:57 20 *** End of sidebar ***

21 MR. FRANK: Ms. Lewis, if we could once again show the
22 witness only Exhibit 154, please.

23 Q. Do you see that document, Special Agent?

24 A. Yes.

25 Q. What is it?

1 A. An e-mail from Rick Singer to Steve Masera.

2 Q. What is the date -- excuse me -- the date?

3 A. August 27, 2015.

4 Q. What is the subject?

5 A. "Loyola High School Tuition."

6 MR. FRANK: The government offers 154.

7 THE COURT: It will be admitted.

8 (Exhibit 154 admitted into evidence.)

9 Q. Now, Special Agent, before we look at Exhibit 154, I'd
11:59 10 like to look back at Exhibit 112 in evidence, please. Do you
11 recall Exhibit 112 was an e-mail exchange between Mr. Wilson
12 and Debbie Rogers discussing payments to The Key following the
13 admission of Johnny Wilson to USC?

14 A. Yes.

15 Q. Can you tell us what is the date of the e-mail exchange
16 between Mr. Wilson and Mr. Rogers discussing those payments?

17 A. March 31, 2014.

18 MR. FRANK: Thank you. If we could look at 126 in
19 evidence.

11:59 20 Q. That's the gift acknowledgment that Ms. Rogers sent Mr.
21 Wilson?

22 A. Yes.

23 Q. If we could look at the attachment. What's the date on
24 the attachment, please, what is that date?

25 A. July 28, 2014.

1 Q. And how long is July 28, 2014 before August 27, 2015?

2 A. Little over a year.

3 MR. FRANK: Okay. And if we could look at Exhibit
4 137, please.

5 Q. Do you recall this is the e-mail where Johnny Wilson quits
6 the water polo team?

7 A. Yes.

8 Q. And what is the date on that e-mail?

9 A. January 12, 2015.

12:00 10 Q. And how long is January 12, 2015 before August 27, 2015?

11 A. Little over eight months.

12 MR. FRANK: Okay. Could we now look at Exhibit 154,
13 please.

14 Q. Do you see at the bottom there's an e-mail at the very
15 bottom from Lisa Vavic to Jovan Vavic?

16 A. Yes.

17 Q. And could you read the first paragraph, please.

18 A. "Loyola High School does not have a system that generates
19 statements for the students. If tuition has not been paid by
12:00 20 January, then they send out a statement. For right now this is
21 what they have given me."

22 Q. You see there are two names there below that?

23 A. Yes.

24 Q. What are the two names?

25 A. Marko and Stefan.

1 Q. And what are the tuition amounts?

2 A. Junior tuition is \$19,140. Freshman tuition is \$18,830.

3 Q. You see that Mr. Vavic forwards that e-mail?

4 A. Yes.

5 Q. Who does he forward it to?

6 A. He forwards it to Rick Singer.

7 Q. And what does he say?

8 A. "Rick, here are the amounts for Marko and Stefan and their
9 ID numbers. Thanks. Jovan."

12:01 10 Q. And Mr. Singer forwards that again?

11 A. Yes.

12 Q. Who does he forward it to?

13 A. He forwards it to Steve Masera.

14 Q. And what does he say?

15 A. "Please pay these from our foundation as scholarships - in
16 a separate note. Please make sure to put names and ID
17 numbers."

18 Q. Now, you said "separate." It actually says "deprecate,"
19 but you substituted the word "separate"?

12:02 20 A. Correct.

21 MR. FRANK: Could we look, for the witness only, at
22 Exhibit 212, please.

23 Q. What is this document?

24 A. An e-mail from Jovan Vavic to Rick Singer.

25 Q. And what is the date?

1 A. August 4, 2016.

2 Q. So this is a year later?

3 A. Yes.

4 Q. And what is the subject?

5 A. "Loyola tuition."

6 MR. FRANK: The government offers 212.

7 THE COURT: Admitted.

8 (Exhibit 212 admitted into evidence.)

9 MR. FRANK: Again, if we could start at the bottom of
12:02 10 the e-mail from Lisa Vavic to Jovan Vavic.

11 Q. What is the date of that e-mail?

12 A. July 28, 2016.

13 Q. And what is the subject?

14 A. "Loyola tuition."

15 Q. And what are the amounts that are listed?

16 A. \$19,875 and \$20,025.

17 Q. And the total?

18 A. \$39,9000.

19 Q. Who does Mr. Vavic send that to?

12:02 20 A. He sends that to Rick Singer.

21 Q. And what does he say?

22 A. "Hello Rick, here is the information you requested.

23 Thanks, Jovan."

24 Q. And how does Mr. Singer respond?

25 A. "I will ask my office to send by the end of this week.

1 Thanks."

2 Q. And again, the date of this exchange?

3 A. August 3, 2016.

4 MR. FRANK: I'd now like to show the witness only
5 Exhibit 238, please.

6 Q. Do you recognize this document?

7 A. Yes.

8 Q. What is it?

9 A. It's an e-mail from John Wilson to Rick Singer.

12:03 10 Q. What is the subject?

11 A. "Connecting on my daughters."

12 Q. What is the date?

13 A. December 9, 2016.

14 MR. FRANK: The government offers 238.

15 THE COURT: Admitted.

16 (Exhibit 238 admitted into evidence.)

17 Q. Could you read the e-mail for the record, please.

18 A. "Rick, I hope you are well. Long time since we worked
19 together on Johnny. Love to chat regarding my daughters and
12:04 20 high school et cetera. We are still in Europe."

21 Q. And signed "John B. Wilson"?

22 A. Yes.

23 MR. FRANK: Can we show the witness only Exhibit 409,
24 please.

25 Q. Do you recognize this document?

1 A. Yes.

2 Q. What is it?

3 A. It's an e-mail from Marci Palatella to Leslie Wilson.

4 Q. What is the date?

5 A. October 27, 2017.

6 MR. FRANK: The government offers 409.

7 MR. KENDALL: Objection, your Honor, as we previously
8 addressed.

9 THE COURT: It's admitted over the objection by the
10 defendant Wilson.

11 (Exhibit 409 admitted into evidence.)

12 MR. FRANK: This is a long chain, somewhat long chain
13 the jury will have in evidence.

14 Q. I just want to direct your attention to the second e-mail
15 in the chain to start from Leslie Wilson on October 27, 2017.

16 MR. FRANK: It's the second from the top, Ms. Lewis.

17 Q. Do you see she writes, "Marci, it was fabulous seeing you.
18 I love our visits together. Thank you for lunch. My treat
19 next time."

12:05 20 A. Yes.

21 Q. Could you read the last paragraph?

22 A. "I had a few thoughts about Rick and USC. Easier to talk
23 on the phone. I'm boarding my plane now, so let's connect in
24 the next few days."

25 Q. And how does Ms. Palatella respond to Ms. Wilson?

1 A. "Leslie, absolutely loved seeing you. Only sorry to have
2 our time cut so short. You look fabulous. Would love to talk,
3 advice is always invaluable, likely on your flight but if you
4 have a moment later today please call. Love you, Marci."

5 Q. Do you recognize the name Marci -- the name Palatella?

6 A. Yes.

7 Q. How do you recognize it?

8 A. In prior exhibits there was a reference to Gino Palatella.

9 MR. FRANK: Could we just quickly call up Exhibit 372,
12:06 10 please.

11 Q. Do you see the date here is August 28, 2017?

12 A. Yes.

13 Q. And this is the e-mail headed "Here are the students I
14 have from you so far."

15 MR. FRANK: Could we just show the subject line.

16 Q. "These are the athletes I have from you." Do you see
17 that?

18 A. Yes.

19 Q. Do you see on Ms. Heinel's e-mail the name Gino Palatella?

12:06 20 A. Yes.

21 Q. There's a sport next to it?

22 A. Yes.

23 Q. What is the sport?

24 A. It's listed as "MFB," which I understand to be men's
25 football.

1 Q. So the date of this is what?

2 A. August 28, 2017.

3 Q. If we could go back to 409, the e-mail exchange between
4 Ms. Palatella and Leslie Wilson, what is the date there?

5 A. October 27, 2017.

6 Q. Thank you. Special Agent, on the desk in front of you
7 there should be a disc labeled 563.

8 A. Yes.

9 Q. Have you had an opportunity to review that disc?

12:07 10 A. Yes.

11 Q. What is it?

12 A. It's a call between Marci Palatella and Rick Singer.

13 Q. And those are your initials on the disc?

14 A. They are.

15 MR. FRANK: The government offers 563.

16 THE COURT: It will be admitted.

17 MR. KENDALL: Same objection, your Honor.

18 THE COURT: Over objection of defendant Wilson.

19 MR. KELLY: And Aziz as well, your Honor.

12:07 20 THE COURT: And the defendant Aziz.

21 (Exhibit 563 admitted into evidence.)

22 MR. FRANK: If the jurors could turn to 563 in their
23 binders.

24 Q. What is the date of this call, Special Agent?

25 A. It's dated September 15, 2018.

1 Q. So this is about a year later after that last e-mail?
2 October 2017 is the last e-mail?

3 A. Yeah, approximately a year later.

4 (Audio recording played.)

5 MR. FRANK: Can we have one moment, please, just so
6 the jurors can get there, please. Thank you.

7 THE COURT: It's at the very end of the first binder.

8 MR. FRANK: Okay. You can start from the top. Thank
9 you, Ms. Lewis.

12:09 10 (Audio recording played.)

11 MR. FRANK: Stop it right there.

12 Q. Special Agent, I neglected to ask you, have you had an
13 opportunity to review this transcript?

14 A. Yes.

15 Q. And is it a fair and accurate transcription of the
16 recording?

17 A. It is.

18 Q. And are those your initials at the bottom?

19 A. Yes.

12:09 20 MR. FRANK: Can we turn to page 6 of the transcript.

21 We're going to jump ahead. We're going to move to page 6, line
22 13. And once the jurors get there, page 6 line 13, Ms. Lewis,
23 if you could pick up, Ms. Lewis, at 4 minutes and 28 seconds.

24 (Audio recording played.)

25 MR. FRANK: We're going to stop it right there.

1 Q. Special Agent, the date of this call was September 15,
2 2018?

3 A. Yes.

4 Q. Were there calls intercepted on that same date on Mr.
5 Singer's -- on the wiretap on Mr. Singer's phone with John
6 Wilson?

7 A. Yes, there were.

8 Q. On the desk in front of you are two discs labeled 561 and
9 552. Do you recognize those discs?

12:11 10 A. Yes, I do.

11 Q. What are they?

12 A. They're calls between John Wilson and Rick Singer on
13 September 15, 2018.

14 Q. The same date as the call we just listened to?

15 A. Yes.

16 MR. FRANK: The government offers 561 and 562.

17 THE COURT: It will be admitted.

18 (Exhibits 561 and 562 admitted into evidence.)

19 MR. FRANK: If the jurors could turn to 561 in their
12:11 20 binders, please.

21 Q. And while they do that, Special Agent, have you had an
22 opportunity to review this transcript?

23 A. Yes, I have.

24 Q. And is it a fair and accurate transcript of the recording?

25 A. Yes, it is.

1 Q. Are those your initials at the bottom?

2 A. They are.

3 Q. Is the same true for the transcript of Exhibit 562; you
4 reviewed that and it's fair and accurate?

5 A. Yes.

6 MR. FRANK: If we could start, Ms. Lewis, at the
7 beginning of the recording at 561.

8 (Audio recording played.)

9 MR. FRANK: We're going to stop it right there just
10 for a moment.

11 Q. Special Agent, if you could turn to page 8 of the
12 transcript. At line 9 on page 8 Mr. Singer says, "And, you
13 know this, that if you said you wanted to go somewhere like
14 Stanford or Harvard or Yale and go through a different door,
15 you can do that, but to go in directly, you got to be -- just
16 to play, you got to be 35, 36 plus essentially perfect grades."

17 Do you see that?

18 A. Yes.

19 Q. Then at line 17, Mr. Wilson responds, "On the other doors
12:22 20 that you have, certainly things like crew, can they try that?"

21 Who is the first person in that phone call to mention
22 athletics?

23 A. Mr. Wilson.

24 Q. And then on the next page at line 11 on page 9, Mr. Wilson
25 says, "So what kind of deals is it there? Is it like, you

1 know, water polo and a donation? Or what is it, like, you
2 know, if you get into that," who is the first person to mention
3 athletics and money in the same sentence?

4 A. Mr. Wilson.

5 Q. Then at line 18, Mr. Singer says, "Harvard is -- Harvard
6 is, it's usually about 1.2." And how does Mr. Wilson respond?

7 A. "Jesus."

8 Q. Then Mr. Singer says, "Stanford is 1.2, but, you know, the
9 back door is -- Harvard is asking for 45 million." And how
10 does Mr. Wilson respond?

11 A. "Good God."

12 MR. FRANK: If we could resume at page 11, I think
13 we're at line 5 or 6.

14 (Audio recording played.)

15 MR. FRANK: Stop it right there, Ms. Lewis.

16 Q. Special Agent, at page 16, line 3, they're talking about
17 Stanford, and Mr. Wilson says, "You're saying that's a minimum
18 of 1.2 on the side door?" And Mr. Singer responds, "Yeah."

19 Do you see that?

12:28 20 A. Yes.

21 Q. And then Mr. Wilson says, "What sports would be best for
22 them? Is crew the best, even you're talking about the ivies
23 and stuff like that, or is that not going to even matter?"

24 Mr. Singer responds, "They -- for me, it doesn't matter. I'll
25 make them a sailor or something because of where you live."

1 Special Agent, what is the name of Mr. Wilson's
2 company?

3 A. Hyannis Port Capital.

4 Q. And do you recall we looked at the logo earlier?

5 A. Yes.

6 Q. What was the logo of Hyannis Port Capital?

7 A. Illustration of a sail from a sailboat.

8 Q. This call was made from a cell phone for Mr. Wilson?

9 A. Yes.

12:29 10 Q. Have you reviewed the billing records for that phone?

11 A. Yes.

12 Q. And where does the billing statement come back to?

13 A. To Hyannis Port, Massachusetts.

14 MR. FRANK: Thank you. Could we pick up at line 16,
15 please.

16 (Audio recording played.)

17 Q. Special Agent, the call terminated there. Do you know
18 what happened?

19 A. I don't. The call was disconnected for some reason.

12:33 20 MR. FRANK: If we could turn to page 18 of the
21 transcript.

22 Q. At line 13, Mr. Singer said, "Well, if you just try the
23 athlete side and you were using the side door with the athlete,
24 it's a done deal, just like with John."

25 What is the name of Mr. Wilson's son?

1 A. John.

2 Q. And then Mr. Wilson says, "Right, but you're saying
3 athlete side even as an alumni is essentially 1.2." Mr. Singer
4 says, "Absolutely. We got --" Wilson says, "But if you're --"
5 And then how does Mr. Singer respond at line 20?

6 A. "Guy is giving up their spot. He's -- they're not a good
7 enough athlete to compete with."

8 Q. And if we turn to page 19, at line 13, in the middle of
9 the line, Mr. Wilson says, "Are those numbers -- are there any
10 way to make those like tax deductible as like donations to the
11 school and stuff? How does that work?"

12 And Mr. Singer responds, "They're all tax -- it's all
13 tax deductible. It's going into a nonprofit 501(c)(3). It's
14 all tax deductible, every one, every piece of it."

15 Who is the first person to ask about making these
16 payments tax deductible in this call?

17 A. Mr. Wilson.

18 Q. Did the call resume?

19 A. It did.

12:34 20 MR. FRANK: Could we turn to Exhibit Transcript 562,
21 please. Ms. Lewis, if you could start at the top.

22 (Audio recording played.)

23 MR. FRANK: If we could turn to page 6 of the
24 transcript.

25 Q. At line 17, Mr. Wilson says, "I mean, their scores are

1 already good enough to get into anyplace a side door, I assume
2 with the athletes, right?"

3 And how does Mr. Singer respond?

4 A. He says, "Uh, not really. They're okay. I still got to
5 fight for it because we don't have --"

6 Q. And if I could turn your attention to page 4. Mr. Singer
7 refers at line 10 to a meeting at 10:00 and at something called
8 the Marriott Wharf, and Mr. Wilson responds "Marriott Long
9 Wharf, that's downtown Boston." Do you see that?

12:42 10 A. Yes.

11 Q. The following Friday was September 21?

12 A. Yes.

13 Q. That was six days after this call?

14 A. Yes.

15 Q. Are you aware of what happened on September 21 in the
16 FBI's investigation of Mr. Singer?

17 A. Yes, I am generally aware because I assisted in obtaining
18 rooms for the meeting in the Marriott Long Wharf.

19 Q. What happened?

12:43 20 A. My understanding is that there was a consensually recorded
21 meeting with Mr. Singer after which Mr. Singer was approached.

22 Q. Approached by?

23 A. FBI agents.

24 Q. And what is an approach?

25 A. An approach is basically when we attempt to interview

1 typically a subject of an investigation by confronting them
2 with evidence and seeking to obtain a statement from them
3 typically in the hope of soliciting their cooperation.

4 Q. Did you have any involvement in the approach of Mr. Singer
5 on September 21, 2018 at the Marriott Long Wharf in Boston?

6 A. I did not, beyond helping them obtain the hotel rooms.

7 MR. FRANK: Thank you, Special Agent. I have no
8 further questions.

9 THE COURT: Cross-examination, Mr. Kendall?

10 MR. KENDALL: Yes, Your Honor. I just need a minute
11 to get my papers organized.

12 THE COURT: Yes, of course.

13 CROSS-EXAMINATION OF KEITH BROWN

14 BY MR. KENDALL:

15 Q. Good afternoon, Agent Brown.

16 A. Good afternoon.

17 Q. Other than passing you in the hallway yesterday, we've
18 never met before, correct?

19 A. I don't believe so, no.

12:45 20 Q. Okay. And you've been an agent for seven years?

21 A. Yes, approximately.

22 Q. I take it you take pride in your FBI service?

23 A. Absolutely.

24 Q. And you believe that the FBI provides thorough training to
25 its agents, correct?

1 A. Yes.

2 Q. Okay. You agree it sets high standards for how to conduct
3 investigations, correct?

4 A. Yes.

5 Q. And one of the purposes of those high standards that the
6 FBI puts in is to make sure they can be effective in finding
7 out who committed a crime, correct?

8 A. Sure.

9 Q. And another purpose of those standards is to protect false
10 -- to protect innocent people from false accusations, correct?

11 A. Sure.

12 Q. And you agree with me with the job as an agent doing a
13 thorough investigation to protect people from false accusations
14 is as important as catching the bad guys, correct?

15 A. Yes. Certainly in my experience I strive to do as
16 thorough an investigation as I can.

17 Q. And you take great pride in that, that that's what the
18 Bureau wants you to do, correct?

19 A. I take pride in my work, yes.

12:47 20 Q. Yes. And part of the pride in your work is that you take
21 pride in making sure that innocent people are protected from
22 false accusations, correct?

23 A. For sure.

24 Q. And that's why you think people have to follow many of the
25 standard rules the FBI sets for investigations, correct?

1 A. Sure.

2 Q. That's why it's important for agents to gather all of the
3 evidence, whether it's good or bad, for the prosecutors,
4 correct?

5 A. Absolutely.

6 Q. And that's why agents want to make sure that everybody can
7 see the full story and see all of the evidence and not just one
8 sliver of it, correct?

9 A. Sure.

12:47 10 Q. Okay. You didn't pick all the e-mails that were presented
11 with you this morning, did you?

12 A. No.

13 Q. Mr. Frank picked every one.

14 A. Yes.

15 Q. Okay. And you can't sit here today and tell us that's a
16 complete picture of the story, correct?

17 A. That's not what I was asked to do, no.

18 Q. Right. You were not asked to use your training and your
19 experience and your sense of fair play in picking the evidence,
12:48 20 correct?

21 A. That was not my role here today, no.

22 Q. The government cherry-picked it?

23 A. They presented evidence that they think is relevant to
24 their case.

25 Q. Okay. And you from your own perspective as an agent want

1 to make sure that the jury sees all the relevant evidence,
2 correct?

3 A. I understand that's your position, your job.

4 Q. Isn't it your position, too, that you want the jury to see
5 all the relevant evidence?

6 A. That's the purpose of the trial, sir.

7 Q. Yeah. And that's the FBI, too; they want everybody to see
8 a complete story of all the relevant evidence. They don't want
9 to cherry-pick, correct?

12:48 10 MR. FRANK: Objection. He's not testifying as to the
11 FBI's view.

12 THE COURT: Yes, sustained.

13 MR. KENDALL: I'd like to have you take a look at two
14 exhibits. If we could start with Exhibit 8126.

15 MR. FRANK: Your Honor, I object. This is not in
16 evidence.

17 MR. KENDALL: You're right. If we could show the
18 witness, please. This is documents the government gave me,
19 your Honor.

12:49 20 MR. FRANK: That doesn't make them admissible.

21 THE COURT: What's the purpose? Do you want to
22 refresh his memory about something?

23 MR. KENDALL: No. I want to ask him if he can
24 identify these two e-mails as he's done with all the e-mails
25 with Mr. Frank. These are more of the same stream of

1 communication. And then I want to put them in to impeach some
2 of the documents that have been put in.

3 MR. FRANK: There's been no impeachment, your Honor.

4 MR. KENDALL: May I show him the documents, your
5 Honor?

6 THE COURT: Yes, show him the document.

7 MR. KENDALL: If you could take a look at Exhibit
8 8126, just for the witness, please.

9 MR. FRANK: Could we have a copy of these exhibits?

12:49 10 THE COURT: How about copies for counsel?

11 MR. KENDALL: Sure.

12 Q. I'm going to show you a document dated July 29, 2013. Do
13 you see there it has the --

14 MR. FRANK: Your Honor, I'm going to object to this
15 line of cross.

16 THE COURT: Before the document is admitted --

17 MR. KENDALL: I'm trying to lay the foundation for it
18 now, your Honor.

19 THE COURT: Go ahead.

12:50 20 MR. FRANK: May I approach?

21 THE COURT: Approach?

22 MR. FRANK: I have an objection to what's about to
23 happen.

24 THE COURT: All right. I'll see counsel.

25 *** Beginning of sidebar ***

1 MR. FRANK: Your Honor.

2 MR. KENDALL: These are the two documents. If you
3 notice, they both have the U.S. Attorney's Office Bates number
4 on them. They are having some of the same e-mail addresses
5 that he's just identified and testified for.

6 MR. FRANK: I'm not disputing their authenticity, your
7 Honor.

8 MR. KENDALL: Your Honor, the issue is, he's put in
9 part of a dialogue between my client.

12:51 10 THE COURT: Try to keep your voice down, please.

11 MR. KENDALL: He's put in part of a dialogue between
12 my client and Mr. Singer. For both completeness and for state
13 of mind, I want to have the complete e-mail exchange that was
14 going on at the relevant time and not just cherry-picked ones.

15 MR. FRANK: Your Honor, he's entitled to put on a case
16 when he puts on a case, but he's only entitled right now to
17 impeach this witness, not to use him as his own summary witness
18 to put in evidence that he wants to put in. That's in the
19 defense case. This witness is here to read evidence into the
12:51 20 record. That's what he did.

21 MR. KENDALL: Your Honor, they had this witness put in
22 the profile which they're trying to create an impression that
23 my client saw the profile. This directly impeaches what
24 they're trying to communicate to the jury, and I think I have a
25 right to do it in a timely and effective way.

1 MR. FRANK: I don't see how this impeaches --

2 THE COURT: Tell me about what this document is that
3 you're -- that's document 7785A. What is it?

4 MR. KENDALL: These are e-mails that my client sent to
5 Mr. Singer about the ACT scores that his son got. They just
6 put in a sports profile that they claim my client saw that has
7 the wrong ACT scores. These are much higher scores. So if my
8 client saw the sports profile they're trying to tell the jury
9 he saw, he clearly would have corrected that you put in the
10 wrong scores because I already told you what the right scores
11 are and you didn't put them in.

12 It directly impeaches the single most important piece
13 of evidence they have in this case, which is the sports profile
14 that they say my client saw, which this proves he didn't.

15 MR. FRANK: The e-mail we put in, first of all, the
16 special agent didn't testify that anyone saw anything. He
17 simply testified that it was to an e-mail address that the
18 defendant later responded from. That was the sum total of his
19 testimony. He can't be impeached on something he didn't
12:52 20 testify about. If they want to put this in in their direct
21 case and argue from it, they're welcome to do that.

22 MR. KENDALL: Your Honor --

23 THE COURT: Wait, wait, wait.

24 MR. KENDALL: Your Honor, they put up this witness to
25 create the impression that my client received a false profile.

1 I have a right to rebut that impression with the witness they
2 did it with. This case is being sanitized. They're putting up
3 witnesses who don't know any of the facts and saying we can't
4 put in documents to rebut their documents.

5 MR. FRANK: If I may briefly respond. The government
6 intends to call a case agent as well as one of its next
7 witnesses. This agent was here to read certain evidence into
8 the record and that's all. I'm concerned because Mr. Kendall
9 has said that he wants to spend several hours with this agent,
10 that he wants to use him as his own summary witness, and that's
11 inappropriate.

12 He has a summary witness on his witness list. He's
13 entitled to put in whatever evidence is appropriate to put in
14 at that time, but he's not entitled to use the government's
15 case in chief to put in his defense case unless he's impeaching
16 the witness, which he's not doing. He's just putting in
17 evidence.

18 MR. KENDALL: I'm further -- the witness puts in half
19 the dialogue, your Honor. We're entitled to put in the rest of
20 the dialogue.

21 MR. FRANK: This is not part of the same document.

22 THE COURT: I'm going to allow you to cross-examine
23 this witness on what he testified to on direct examination.
24 I'm not going to let you put on your defense with this witness.

25 Now, go forward with your cross-examination. If you

1 want to argue about this further at the break, which is very
2 shortly about to come, we'll do it, but I'm not going to let
3 you put your case in against this witness. You can
4 cross-examine him on what he testified to on his direct but not
5 beyond that.

6 * * * End of sidebar * * *

7 BY MR. KENDALL:

8 Q. Agent Brown, I think you testified you played no real role
9 in the investigation of Rick Singer and the people he was
10 involved with, correct?
12:55

11 A. For the most part I monitored the wire and was involved in
12 some of the very early stages of the Singer investigation. But
13 yes, that's generally correct.

14 Q. So Mr. Frank selected you to be a person to read a bunch
15 of e-mails, but you didn't participate in the investigation of
16 those e-mails, correct?

17 A. Correct.

18 Q. You didn't investigate any witnesses, correct?

19 A. No.

12:55 20 Q. You didn't interview witnesses?

21 A. I did not.

22 Q. There have been hundreds of interviews in this case.
23 Would it be fair to say you didn't really participate in any
24 one or any significant one?

25 A. Yes.

1 Q. Okay. And you're reading e-mails that you don't even
2 understand, correct?

3 A. I don't know all the context of the e-mails, that's
4 correct.

5 Q. To be -- no disrespect to you, Agent --

6 A. None taken.

7 Q. -- because I have great respect for you, but we could have
8 pulled somebody in off the street to read the e-mails the same
9 way you did.

12:56 10 A. Sure. I'm sure you can appreciate, when asked to testify,
11 that my response would be yes.

12 Q. Okay. And there are other agents in this case that have a
13 lot more information about it than you do, correct?

14 A. Correct.

15 Q. You were selected because you didn't have this
16 information, correct?

17 MR. FRANK: Objection.

18 THE COURT: Sustained.

19 Q. Well, you agree with me, you don't any information where
12:56 20 many others could have testified and they do have the
21 information, right?

22 A. My understanding is others with that information will be
23 testifying.

24 Q. Okay. But for you to sit here and read e-mails, you're
25 the person who doesn't know anything about the context of the

1 interviews, correct?

2 A. Sure.

3 Q. And for example, that sports profile that you put in on an
4 e-mail, that is the sports profile of Johnny Wilson --

5 A. Yes.

6 Q. You have no idea what the entries are on that, if they're
7 accurate or not accurate?

8 A. I don't, no.

9 Q. You have no idea if there's entries on there that hurt his
12:56 10 chances of admission, correct?

11 A. That's true.

12 Q. But you do know John Wilson never responded to that
13 e-mail, correct?

14 A. Without refreshing and looking at the document, I'm not
15 sure I can answer that question.

16 Q. Mr. Frank never found a document to show you and read that
17 showed John Wilson ever acknowledged that e-mail, correct?

18 MR. FRANK: Objection --

19 THE COURT: Sustained.

12:57 20 Q. Nobody from the prosecution ever selected an e-mail for
21 you to look at that showed Mr. Wilson ever responded to that
22 e-mail, correct, the October 19 one?

23 A. Again, without seeing the document, I couldn't tell you if
24 there was a reply to it or not. I did not --

25 Q. As you sit here today, you cannot identify a single reply

1 to that e-mail, correct?

2 A. I haven't looked for one, and I haven't been provided one.

3 Q. So you cannot represent to this jury that such an e-mail
4 exists, correct?

5 A. I'm not sure I follow your question. It was entered into
6 evidence as an exhibit.

7 Q. The October 19 e-mail was entered into evidence. You
8 agree with me you cannot cite any e-mail to show that John
9 Wilson ever acknowledged receiving it.

12:57 10 A. I don't believe so, no.

11 Q. And you can't cite to this jury any e-mail that indicates
12 John Wilson ever read it or discussed it with anybody, correct?

13 A. No.

14 Q. "Correct," meaning you agree with me?

15 A. Yes, yes.

16 Q. Yes. There was no evidence that you're aware of to show
17 that John Wilson ever read that e-mail or responded to it,
18 correct?

19 A. That I'm aware of, no.

12:58 20 Q. Okay. And whatever wiretaps you've looked for in this
21 case, you've never seen anything where John Wilson was ever
22 asked about that profile by any government agent or by
23 Mr. Singer, correct?

24 A. I personally did not do the search of all calls related to
25 Mr. Wilson. I reviewed the calls that we discussed today.

1 Q. But the calls you reviewed, you had no memory of there
2 being any reference to that profile in any of the calls you
3 reviewed, correct?

4 A. No.

5 Q. Okay. We've only got a few minutes before the break. I'd
6 like to go a little bit into the training you've had as an
7 agent.

8 A. Sure.

9 Q. What training have you had on investigating white-collar
10 crime?

11 A. We received limited training in white-collar crime during
12 the academy. The bulk of it happens through a training agent
13 process where, during our probationary period as a new agent,
14 we're assigned a senior agent to work with, and you learn
15 primarily by working closely with them and other senior agents
16 on the squad.

17 Q. And as part of the training or work you've had over the
18 last seven years, have you dealt with con men?

19 A. Sure.

12:59 20 Q. And fraudsters?

21 A. Absolutely.

22 Q. That's sort of one of your specialties, correct?

23 A. Absolutely.

24 Q. And would you agree with me some of these con men that you
25 dealt with are extremely skilled?

1 A. Yes.

2 Q. They have wonderful stories and abilities to deliver them,
3 correct?

4 A. For sure.

5 Q. They're almost like a musician, the way they can spin
6 their story and present it so effectively to the audience,
7 correct?

8 MR. FRANK: I object, your Honor. This is not
9 impeachment.

12:59 10 THE COURT: Sustained.

11 Q. And you would agree with me that one of the things that
12 con men do is they lull their victims into believing a false
13 story.

14 MR. FRANK: Objection.

15 THE COURT: He can answer that if he understands it.

16 A. Yes, lulling is often present in fraud cases, yes.

17 Q. And your experience has been that these con men often
18 develop their lulling stories over time until they perfect
19 them.

01:00 20 A. I don't know if I would agree with that, but yes, they are
21 skilled at lulling their victims, yes.

22 Q. And they sometimes develop a certain type of story or
23 presentation to carry out the fraud that they use with more
24 than one victim, correct?

25 A. Yes.

1 Q. Okay. In your securities fraud work that led to this case
2 did you find that that's what that group was doing?

3 A. Not exactly. I think that type of approach is more common
4 at least in my experience in investment adviser-type frauds,
5 Ponzi schemes, things of that nature.

6 Q. Okay. Where people have sort of a fraudulent presentation
7 they use to cheat innocent victims, correct?

8 A. In the context of lulling, it's usually because they've
9 run out of their ability to pay back victims who are asking for
01:01 10 redemption, so they'll come up with stories as to why they
11 can't provide requested wires.

12 Q. And what types of training have you had in handling
13 informants?

14 A. Again, primarily through limited experience at the academy
15 and then mainly through working with more senior agents.

16 Q. Okay. And it would be fair to say one of the things
17 you've learned about in dealing with informants is that it's
18 important to memorialize every substantive event with the
19 informant in a written report.

01:01 20 MR. FRANK: Your Honor, this is not impeachment of his
21 testimony.

22 THE COURT: I'm not sure he has the foundation for
23 this, but in any event, we are going to break for lunch at this
24 point. You may step down for the time being, Mr. Brown.

25 Court will be in recess until 2:00. We're going to

1 have a short afternoon session. We are going to recess at 3:00
2 or maybe a few minutes before 3:00, so it will be just one
3 hour. I'll see you back here at 2:00.

4 (Jury exits.)

5 THE COURT: All right. Be seated, counsel.
6 Approximately how long on cross-examination of this witness,
7 Mr. Kendall?

8 MR. KENDALL: We'll finish the day, your Honor, and go
9 into Friday for sure.

01:03 10 THE COURT: All right.

11 MR. KELLY: I'll follow him afterwards, your Honor.

12 THE COURT: All right. Anything else that needs to
13 come to the Court's attention before we recess?

14 MR. KENDALL: If I may get some guidance from the
15 Court, I want to be on track and not be wasting the jury's
16 time. My view, Your Honor, is under Rule 106, related
17 writings, remainder of related writings, there's an issue of
18 completeness here. There's a dialogue that's going on between
19 my client and Mr. Singer by e-mail. My client is in Europe
01:03 20 most of this time. And they put in some of the parts of that
21 e-mail dialogue but not all of it.

22 I'd like to put in some of the other e-mails that I
23 think fill in the holes of what's there. And I think if he can
24 read them for the government, he can read the rest of them for
25 us, your Honor. And I think it's important for the jury to

1 hear it together as one package as opposed to they hear half
2 the dialogue here and then a week later they hear the other
3 half of the dialogue.

4 So my request to the Court is can I put in the e-mails
5 that fill in the holes of what the government has left in the
6 dialogue that it's presented?

7 MR. KELLY: We would join in that request, your Honor,
8 under both the rule of completeness and the ability to impeach
9 him on what he's just put into evidence. So it's just totally
01:04 10 inefficient to have to recall him to read in some others while
11 he's here. It makes no sense. So we would like the
12 opportunity to do that as well.

13 THE COURT: Mr. Frank.

14 MR. FRANK: Your Honor, the rule of completeness
15 doesn't allow him to put in months and months of conversations
16 in the hopes of recreating an entire relationship over a period
17 of time.

18 We put in complete e-mail chains. If there's a part
19 of a chain that they believe is missing, then they can put that
01:04 20 in under the rule of completeness, arguably. But not a
21 relationship that spans months and years, which is what they're
22 trying to do. They have a summary witness on the record. It's
23 entirely efficient for them to put on their case when they put
24 on their case. But so far, nothing that's happening here
25 has --

1 THE COURT: Yes, that's the ruling of the Court. If
2 there's something in a chain that was introduced on direct
3 examination that you want to fill in, I will allow you to do
4 that. I'm not going to allow you to put on the defense's case
5 in the government's case-in-chief. We're in recess until 2:00.

6 (Recess taken 1:05 p.m. to 2:08 p.m.)

7 (Jury enters.)

8 THE CLERK: Thank you. You may be seated. Court is
9 now in session.

02:08 10 THE COURT: Good afternoon, jurors. We're ready to
11 resume.

12 Mr. Brown, again, you're reminded that you remain
13 under oath.

14 Mr. Kendall, you may continue with cross-examination.

15 MR. KENDALL: Thank you very much, your Honor.

16 Mr. Carter, could we go to Exhibit 525 that is in
17 evidence. Yes, please.

18 BY MR. KENDALL:

19 Q. Mr. Brown, I'm going to replay just a portion of the tape
02:08 20 with Rick Singer, Gordon Caplan, and Scott Treibly that you
21 were kind enough to introduce to us yesterday. Do you remember
22 that tape?

23 A. Yes, sir.

24 MR. KENDALL: Randall, if we can start at the
25 beginning, and I'd like to stop at line 14 on page 2. Include

1 line 14, not 15. Actually, I may tell you to stop earlier than
2 that. I'll probably stop after -- at the end of page 1. Play
3 from the beginning to line 24 on page 1.

4 (Audio recording played.)

5 MR. KENDALL: Stop it now.

6 Q. Okay. I want to go through this first page of the
7 transcript. We see here that Mr. Treibly is introducing
8 Mr. Caplan to Mr. Singer for the first time, correct?

9 A. Yes.

02:10 10 Q. And Mr. Singer tries a joke that falls flat, correct?

11 A. It does.

12 Q. You agree with me?

13 A. Yes.

14 Q. Okay. And then he pivots very quickly, correct?

15 A. Yes.

16 Q. Okay. And what Mr. Caplan states is his wife has told him
17 something about Mr. Singer, but they've never really met or had
18 a conversation directly, correct?

19 A. That's my understanding, yes.

02:10 20 MR. KENDALL: If we can then start picking up where
21 you stopped, Mr. Carter, and then we'll go for about another
22 12, 15 lines. I'll note where we should stop.

23 (Audio recording played.)

24 MR. KENDALL: Stop, please.

25 Q. Okay. Now you recall later on in this tape Mr. Caplan

1 introduces himself as a corporate M&A lawyer from New York
2 City?

3 A. I believe that might be on the next call, about 26.

4 Q. Fair enough. Whatever it is.

5 A. Yes.

6 Q. The point is Mr. Caplan introduces who he is?

7 A. Correct.

8 Q. He's the chairman -- I think he said co-chairman of an
9 international law firm based in New York City?

02:11 10 A. Correct.

11 Q. And he's a deal maker, M&A work, things of that nature?

12 A. Correct.

13 Q. Fair to say he's a very sophisticated, accomplished person
14 with that type of background?

15 MR. FRANK: Objection, your Honor.

16 MR. KENDALL: It's right on the tape, Your Honor.

17 THE COURT: Overruled.

18 MR. KENDALL: Thank you.

19 Q. And here we have Mr. Singer's introduction of himself that
02:12 20 he has a \$290 million company with a thousand employees,
21 correct?

22 A. Yes. That's what he says.

23 Q. And 280 internationally. "And what we do is help the
24 wealthiest families in the U.S. get their kids into school, so
25 we have the Gates', the Jobs'. We have every NBA owner, every

1 NFL owner. We get everybody".

2 Now, you're not saying those statements are true,
3 correct?

4 A. I have no basis to say those statements are true.

5 Q. Okay. You don't know what part of that statement may be
6 true and what part may be false, correct?

7 A. Correct.

02:13 10 Q. Okay. In your experience, though, in investigating
11 fraudsters, you know they often combine truth and lies
12 together, correct?

11 A. They can, yes.

12 Q. It wouldn't surprise you if that were the case here,
13 correct, if some was true and some was untrue?

14 A. It wouldn't surprise me, no.

15 Q. Okay. And we see from these two tapes that Mr. Caplan
16 proceeds within three, four pages to do fraudulent acts with
17 Mr. Singer, correct?

18 A. Correct.

19 Q. After three, four pages of transcript, he's happy to
02:13 20 falsify medical tests to get his daughter extended time,
21 correct?

22 A. Correct.

23 Q. He agrees to do some sort of arrangement with a controlled
24 room or controlled test so he can get a false score on his
25 daughter's test?

1 A. Yes.

2 Q. And you agree with me these are discussed -- the
3 dishonesty is discussed with exquisite frankness, correct?

4 A. Yes.

5 Q. No beating around the bush?

6 A. No.

7 Q. Okay. It is explicit to anybody here to see what the
8 state of mind is of the two participants, correct?

9 A. I'd agree, yes.

02:14 10 Q. Okay. And you'd agree with me nowhere here does
11 Mr. Caplan say I want you to be an advisor to my family,
12 correct?

13 A. Without reviewing the transcript again, I can't tell you
14 where it pivots, but I'll take your assertion that it's page 4
15 where it pivots.

16 Q. Okay. But nowhere does he say that I want to have a
17 multi-year relationship of you advising my children?

18 A. They seem to get down to business pretty quick.

19 Q. Right. And the business does not include a multi-year
02:14 20 relationship to be advising the children, correct?

21 A. That seems to be the case.

22 Q. No place in this tape do they schedule visits for
23 Mr. Singer to meet every two to three, four weeks with the
24 children, correct?

25 A. That seems to be the case, yes.

1 Q. Nowhere do they discuss that they trust Mr. Singer so much
2 that they're going to let him meet with the children alone?

3 MR. FRANK: Objection.

4 THE COURT: Well, if he recalls, he can answer that.

5 A. Again, I don't -- without expanded context in the
6 relationship between Mr. Singer and Mr. Caplan, my only basis
7 would be these two calls.

8 Q. Right, and that's all I'm asking you about is what's in
9 these two calls. I'm --

02:15 10 A. In these two calls --

11 Q. -- only focusing on what's in these two calls right now.

12 A. By my recollection, they don't discuss that in the calls.

13 Q. Okay. And they certainly don't discuss getting a tutor,
14 correct, for SAT or ACT scores?

15 A. If my memory's correct, they do discuss a woman named
16 Tatiana, I believe, in the second call.

17 Q. Tatiana works in the office. She's not a tutor, correct?

18 MR. FRANK: Objection.

19 THE COURT: Sustained.

02:15 20 Q. What page is Tatiana on?

21 A. Page 8 of the second exhibit, 526.

22 Q. Of 526?

23 A. Actually, if you look at line 19.

24 Q. What page?

25 A. Page 8.

1 Q. Yeah.

2 A. They actually do talk about --

3 Q. Wait. What exhibit are you on?

4 A. 526, the second call.

5 Q. Give me just one second. I want to organize my papers.

6 And what page are you talking about?

7 A. Page 8, line 19. They're talking about meeting on a
8 weekly basis with Tatiana.

9 Q. You don't know what Tatiana's role is, do you?

02:16 10 A. I have no idea who Tatiana is.

11 Q. You don't know her last name?

12 A. No.

13 Q. Tatiana Forero means nothing to you, correct?

14 A. It does not.

15 Q. You have no idea what her role in this -- is in the Key,
16 correct?

17 A. Correct.

18 Q. There's no discussion here that Tatiana is going to be
19 tutoring, correct?

02:17 20 A. There's not, but in terms of meeting with them on a
21 regular basis, they're clearly discussing that.

22 Q. Not Mr. Singer, Tatiana?

23 A. Correct, who I presume is an employee of Mr. Singer.

24 Q. Yes. And it doesn't -- Tatiana's going to meet. You
25 don't even know where Tatiana is located, correct?

1 A. I believe they say she's in New York up above on the same
2 page.

3 Q. Where?

4 A. Line 10.

5 Q. Line 10. Correct. Thank you very much. "Talk to my
6 person who lives in New York, Tatiana, and she'll start working
7 with Tatiana on a weekly basis."

8 It doesn't say what the work is for?

9 A. I have no basis to say what the work is for.

02:17 10 Q. And you don't know what Tatiana's skillset is?

11 A. No.

12 Q. You know what the point of this call is, correct, that
13 they're going to cheat on this test, correct?

14 A. That seems to be the gist of it.

15 Q. It doesn't make much sense to have a tutor for a young
16 woman who doesn't do well on tests if you're going to cheat on
17 a test, correct?

18 MR. FRANK: Objection to what makes sense.

19 THE COURT: I'm sorry. The objection is based on
02:18 20 what?

21 MR. FRANK: Speculation.

22 THE COURT: Sustained.

23 Q. And certainly there's no discussion of having Mr. Singer
24 meet with the children face-to-face in the house, correct?

25 A. Again, it didn't come up in this call, but I don't know

1 the relationship between them.

2 Q. We're just talking about these two calls. That's all.

3 A. Yeah. It didn't come up in their initial conversation.

4 Q. Mr. Caplan, you'd agree with me, is very transactional?

5 A. He seemed to be direct. I think he says he's a direct
6 person.

7 Q. Yeah. And he's been prepped by his wife, correct?

8 A. I believe he mentioned that at the beginning. Yes.

9 Q. It appears he's been prepped by Mr. Treibly, as well?

02:18 10 A. Mr. Treibly, yes. It sounds like there was some prior
11 discussion.

12 Q. Okay. And at no point did Mr. Singer talk about meeting
13 and working with the President of Harvard University, correct?

14 A. In this call, he did not.

15 Q. No place did he talk about working with the President of
16 Tufts?

17 A. Not in this call. No, he did not.

18 Q. And in no place did he talk about meeting and working with
19 the President of Brown, correct?

02:19 20 A. Not on this call, no.

21 Q. At no place did he talk about reading admission files at
22 two of the major universities in the United States every year?

23 A. I don't recall him saying that in these calls, no.

24 Q. And specifically saying that he's reading admission files
25 at Harvard, correct?

1 A. Harvard did not come up in this call.

2 Q. So you agree with me there is nothing in the calls with
3 Gordon Caplan where Mr. Singer's trying to establish himself as
4 a person authorized by the universities to provide the service
5 he's trying to sell to Mr. Caplan, correct?

6 A. I don't recall, but that sounds correct.

7 Q. Okay. Nowhere does he say Harvard says I can have people
8 cheat on the test and they'll take the scores. Doesn't say
9 anything like that, correct?

02:20 10 A. No.

11 Q. He's not trying to establish credibility for himself that
12 he's authorized to do something on behalf of a major
13 university, correct?

14 A. Correct.

15 Q. And at the -- and that's for both of the calls with
16 Mr. Caplan?

17 A. Yes.

18 Q. And he certainly didn't talk about looking for a rigorous
19 engineering school to have his children take tough math and
02:20 20 science classes, correct?

21 A. That did not come up in those calls, no.

22 Q. He wanted a shortcut? Is that a yes?

23 A. A degree, yes.

24 Q. And he wanted to cheat?

25 A. He wanted to improve his daughter's grades by cheating,

1 yes, her scores rather.

2 Q. And you agree you have no basis to connect anything
3 Mr. Caplan did with anything of Mr. Wilson, correct?

4 MR. FRANK: I object, your Honor.

5 MR. KENDALL: I'll rephrase, your Honor.

6 Q. There's nothing in this tape to say that Mr. Wilson is
7 involved with Mr. Caplan's test cheating, correct?

8 A. Correct.

9 Q. And there's nothing in the tape that was played of
02:21 10 Mr. Wilson where he talks about test cheating, correct?

11 A. Correct.

12 MR. KENDALL: Next I'd like to go next to Exhibit 49,
13 which is in evidence.

14 Q. First, before we go into the exhibit itself, you testified
15 about a bunch of e-mails that were selected by the prosecutors
16 for you to read, correct?

17 A. Yes.

18 Q. Did you read every e-mail they showed you, or did you only
19 read some of the ones that you've seen?

02:22 20 A. I read at least once every single e-mail that I've read
21 today.

22 Q. No. I'm asking a different question. I'm sorry if I
23 wasn't clear. Did the prosecutors in the selection of e-mails
24 they gave you to look over, are some of the ones you looked
25 over not -- you didn't read today?

1 A. Yes. The exhibit list was refined with time, yes.

2 Q. Okay. So how many total e-mails did they give you to
3 read?

4 A. I don't recall.

5 Q. Rough estimate percentage wise, you read half of what they
6 gave you? You read a quarter? You read a third?

7 A. The -- I didn't read the prefinalized exhibit list. I
8 didn't read every e-mail that was provided to me by the U.S.
9 Attorney's Office, if that's your question.

02:22 10 Q. Let me see if I can ask it a better way and be more
11 helpful.

12 Do you have an estimate of the number of e-mails they
13 gave you to start with?

14 A. I don't recall.

15 Q. Can you tell us by how many inches of paper, rough
16 estimate of the number, 50 to 60, whatever in your good faith
17 you think?

18 A. I don't recall. It was broadly similar to the final list
19 of exhibits. I don't know for certain how many were removed.

02:23 20 Q. Okay. Who decided to remove certain exhibits?

21 A. The prosecutors.

22 Q. Okay. And if we start with that total set you started
23 with, was it -- I want to focus on just the things that deal
24 with John Wilson. Were there John Wilson e-mails that was in
25 the starting set with you and they took them out at some point

1 so you were given a subset of the John Wilson e-mails shown to
2 you?

3 A. Yes. There were some that were removed.

4 Q. Do you know how many were removed?

5 A. I don't. I believe it was a handful.

6 Q. Okay. And does a handful mean -- handful can mean
7 different things. Can a handful mean five, a handful mean 10,
8 15?

9 A. Again, I don't recall with certainty, but I would estimate
02:24 10 no more than five to ten.

11 Q. Okay. And were they e-mails in that time frame of 2013
12 and 2014?

13 A. I don't recall.

14 Q. Okay. But they were e-mails between John Wilson and
15 Mr. Singer?

16 A. I believe the e-mails that were primarily removed were
17 related to concussions is my recollection.

18 Q. Okay. Were there other e-mails there that were removed?

19 A. I don't recall.

02:24 20 Q. Were there e-mails with the high school coach Jack Bowen
21 that were removed?

22 A. I don't remember seeing e-mails with Jack Bowen.

23 Q. So it's fair to say your best memory is when the
24 government made a selection of e-mails to show you, they didn't
25 include any of the Jack Bowen ones, correct?

1 A. I don't know who Jack Bowen is.

2 Q. Okay. And so you've certainly not seen any of his
3 e-mails, correct?

4 A. Not that I recall.

5 Q. Okay. And so you'd agree with me that the e-mails you
6 read from even your exposure and limited understanding is not
7 the complete dialogue between John Wilson and Rick Singer in
8 the 2013 and 2014 time period?

9 A. Without a doubt.

02:25 10 Q. Okay. And you don't know if there were important e-mails
11 kept out or unimportant ones, correct?

12 A. Correct.

13 Q. And you don't know if there are e-mails about test scores
14 that were kept out, correct?

15 A. Correct.

16 Q. You don't know if there are e-mails that are relevant to
17 the sports profile of that October 19th e-mail, correct?

18 A. Correct.

19 Q. Okay. And so it would be fair to say you did not
02:25 20 represent to this jury that what you've shown is a complete and
21 accurate picture of what was discussed in 2013 and '14?

22 MR. FRANK: I object, your Honor.

23 THE COURT: Grounds?

24 MR. FRANK: He's not representing anything to the
25 jury. He's here to read documents.

1 THE COURT: All right. He can answer that question,
2 if he understands it.

3 A. Again, entering a limited number of exhibits in, my
4 understanding is that my testimony is not the government's
5 entire case.

6 Q. Excuse me. I'm not asking for the government's entire
7 case. I'm asking for your -- what you're representing to this
8 jury. You're not representing that this is the entire picture
9 of the correspondence John had with Mr. Singer, correct?

02:26 10 A. I have no basis to say one way or another.

11 Q. Okay. Well, you know some of the stuff wasn't there. You
12 just don't know how much existed that was presented?

13 A. Yes. Certain exhibits were not presented. Yes.

14 Q. But you don't know the volume that were not presented?

15 A. I don't.

16 Q. Okay. I'd like to go then to Exhibit 49, which we've put
17 up.

18 MR. KENDALL: Is this shown to everybody, Mr. Carter?
19 Thank you.

02:27 20 Q. Why don't we go to the back of it to the bottom of page 2.
21 We see where you started. It says "Forwarded:
22 MikaelaSanford@thekeyworldwide.com."

23 And from -- the work you've done preparing for
24 today's testimony, you know Mikaela Sanford is an employee of
25 Mr. Singer, correct?

1 A. I know that generally. Beyond that, I have no
2 recollection of what her role was at The Key.

3 Q. But you see from that e-mail address it's a Key e-mail
4 address?

5 A. Yes.

6 Q. And you participated in the search warrants and the things
7 related to The Key e-mails?

8 A. My participation with the search warrants was limited to
9 confirming the exhibits that I presented today were present
02:27 10 within the search warrants. I didn't do any investigative
11 search beyond that.

12 Q. But you know the e-mail address? That you recognize. You
13 recognize Mikaela's is a Key?

14 A. The Key Worldwide, I believe, is one of the e-mail search
15 warrants. I don't even know if that was a chain. I reviewed
16 Rick Singer's Gmail account.

17 Q. Okay. And do you know if there's an involvement of Rick
18 Singer with The Key Worldwide?

19 A. I understand that to be his company, his organization.

02:28 20 Q. Okay. Is it his foundation or his business? Do you know?

21 A. I don't know.

22 Q. Okay. And then it says "itinerary for John Wilson",
23 correct?

24 A. Yes.

25 Q. And it lists four separate schools all in the Los Angeles,

1 Southern California area, correct? USC?

2 A. Yes. Southern California, yes. I would say that's
3 correct.

4 Q. LMU, UCSB, University of California Santa Barbara, and
5 USD, University of San Diego, correct?

6 A. Correct.

7 Q. So they're going to look at a bunch of schools, correct?

8 A. Yes.

9 Q. Okay. Now, if we go back to page 2.

02:28 10 MR. KENDALL: Mr. Carter, if you'll look at the middle
11 where it states for Mr. Singer "there are no offices".

12 Q. Mr. Singer informs Mr. Wilson, "There are no offices on
13 campus at USC. I asked Jovan to come to campus to meet. At
14 LMU they are not very interested in Johnny - more get in and
15 then we can speak same for others. I can ask again but be
16 prepared for their outlook".

17 So it's clear here that Mr. Wilson and his son are
18 going to meet the water polo coach, Jovan, correct? That's the
19 plan at least?

02:29 20 A. He requested that Jovan meet them there. That doesn't
21 that there was a meeting set up.

22 Q. If we look at the top of page 2 at the third line, it
23 states "Jovan just texted me" --

24 MR. KENDALL: Third line from the top, please,
25 Mr. Carter.

1 Q. "Jovan just texted me. He will meet you all at 3:30 p.m.
2 on Tuesday on the pool deck. You will have to leave LMU
3 early", correct?

4 A. Yes.

5 Q. So there certainly is an intention to meet Jovan from this
6 e-mail. You obviously can't say whether or not they did meet
7 him?

8 A. Correct.

9 Q. Okay. Now, in the e-mails that you looked at but didn't
02:30 10 testify about, were there any e-mails -- did you see the
11 e-mails that described the meeting with Jovan?

12 A. I don't recall.

13 Q. Okay. And then I'd like to read again something that
14 Mr. Frank covered with you, but I'd like to add a little bit
15 more to what's being read. If in the middle of page 2,
16 Mr. Carter, if we could go about a quarter of the way down the
17 page.

18 Q. "R", which obviously is Rick Singer, "if water polo and
19 swimming are not realistic for Johnny, then what other schools
02:31 20 that he has a realistic shot at (without help) in Southern
21 California area, southwest, and east coast".

22 You see that? So this --

23 A. It's not up on the screen, so could you repeat your
24 question?

25 Q. Sure. You see there where Mr. Wilson's message on

1 March 26, 2013, is "If water polo and swimming are not
2 realistic for Johnny, then what are the schools that he has a
3 realistic shot at (without help) in the SoCal area, southwest,
4 and east coast."

5 You see that?

6 A. Yes.

7 Q. You see there's a parenthetical, "a realistic shot
8 (without help)".

9 A. Yup.

02:31 10 Q. You understand that to be a reference to a side-door
11 donation?

12 A. That's my interpretation of it, yes.

13 Q. Okay. And we hear Mr. Singer's response right above it,
14 "SMU, TCU" -- that's Texas Christian, to your understanding?

15 A. Sounds correct.

16 Q. "LMU, SDSU", San Diego, "UCSC, Cal Poly, SLO, CU",
17 Colorado University Bolder, Indiana, Oregon, Arizona, Rollins".

18 And then he writes in response to the question

19 "harder" -- "University of Miami, Santa Clara, USC,

02:32 20 Northeastern, BU, George Washington, Wisconsin, Tulane, and
21 USC".

22 A. Yes.

23 Q. So Mr. Singer describes USC as a realistic but harder
24 school for Johnny, correct?

25 A. That seems to be the case. Yes.

1 Q. And that's in March of 2013, correct?

2 A. Yes.

3 Q. And you understand Johnny's a junior in high school at
4 that point?

5 A. That's correct, based on the timeline, yes.

6 Q. I take it the time you went to college is a lot more
7 recent than the time I went to college?

8 A. I'm not sure it's that different.

9 Q. It is a good bit. I assure you.

02:33 10 And you would accept that people's academic records
11 are not set in stone in their junior year? They still have
12 more college exams to take, correct?

13 A. Sure.

14 Q. And so if they get a really good score on a college exam
15 after March of 2013, that can increase their likelihood of
16 getting in, correct?

17 A. Sure.

18 Q. If their grades are good and hold up and do well, that can
19 also change things?

02:33 20 A. I'm not an expert on the admissions process, but sure.

21 Q. This is an answer in a snapshot in time, correct?

22 A. Yes.

23 Q. Okay. Then if we look just above that, John -- clearly
24 John is -- he's the kind of person who asks a lot of questions,
25 looks like from this e-mail. You agree with me?

1 A. He asks questions, yes.

2 Q. He's looking to Mr. Singer to be the expert to answer
3 questions, correct?

4 A. Yes. He's asking questions of him.

5 Q. About the college admissions process?

6 A. Yes.

7 Q. Okay. It's not like Mr. Caplan, how do you cheat and can
8 you guarantee a result? It's like how does this process work,
9 how do these things happen, correct?

02:34 10 A. Actually, taking a step back, what you put on the screen,
11 he's not asking about the college admissions process in
12 general. He's asking specifically about the side door and what
13 commitment Johnny would have.

14 Q. Yes. And that is part of the college admissions process.

15 A. Wasn't part of my college admissions process.

16 Q. It may not have been. And you shouldn't be making
17 expressions on your face to the jury.

18 MR. FRANK: I object to that.

19 THE COURT: No comments like that.

02:34 20 Q. Okay. You're just here to read documents, correct?

21 A. Answering your questions.

22 Q. Thank you.

23 And he says, "Traveling is only if he is playing so
24 no". Do you know what a bench warmer is, somebody who doesn't
25 play in a game, correct?

1 A. Correct.

2 Q. Do you know what a "red shirt" is?

3 A. I don't.

4 Q. Okay. So you have no idea what a red shirt is in college
5 sports?

6 A. I know it's a term in college sports. I don't really have
7 time to watch college sports.

8 Q. Okay. So if any of this e-mail in Exhibit 49 is talking
9 about the role a red shirt has on an NCAA Division 1 team,
02:35 10 you're clueless on that. And that's not being disrespectful.
11 It's just not something you're know.

12 A. Correct.

13 Q. Okay. So to understand and interpret what Mr. Singer says
14 in this e-mail, it may be necessary to have someone who
15 understands the red shirt process, correct?

16 A. Sure.

17 Q. Okay. You'll see there at the top, the one, two, three,
18 fourth line from the top, Mr. Singer states "They have 42
19 guys". Do you know anything about water polo?

02:36 20 A. Not much.

21 Q. Okay. You don't know if that's an exceptionally large
22 collegiate team or not, correct?

23 A. No.

24 Q. Do you know at least that it's a very rough sport?

25 A. From watching it in the Olympics many years ago, yes. It

1 seems like a fairly contact intensive sport.

2 Q. It's like ice hockey in a swimming pool, correct?

3 A. I don't know.

4 Q. It's a very --

5 MR. FRANK: Your Honor, I object to the testifying
6 that's happening here.

7 THE COURT: Well, yes. Ask him questions.

8 Q. Okay. It states "they have 42 guys and 20 plus do not
9 travel but practice," correct?

02:37 10 A. That's what it says, yes.

11 Q. So we know at least 20 out of the 42 are bench warmers,
12 correct?

13 A. I don't know if bench warmers is the correct term, but
14 maybe reserve players, players who don't travel. I don't know
15 what the correct term is.

16 Q. It says twenty plus. So more than 20 of the 42 do not
17 travel, which you understand means travel to a game?

18 A. Yes.

19 Q. I mean, they don't travel for tourism. They travel to go
02:37 20 to games.

21 A. Sure.

22 Q. Okay. So close to half or more than half do not travel
23 but practice, correct?

24 A. Based on what Mr. Singer's saying, yes. That seems to be
25 the case.

1 Q. Okay. Does that indicate 20 plus are bench warmers?

2 A. Again, I don't know if they're bench warmers or younger
3 players that don't travel with the team. I don't have a basis
4 to say one way or the other.

5 Q. Or maybe both?

6 A. I don't know.

7 Q. Okay. "But he will be fine". And then Mr. Singer says,
8 "bench warming on the four-time in a row national champion is
9 not bad as a freshman", correct?

02:38 10 A. Correct.

11 Q. So he's, apparently, equating bench warming with being
12 part of the 20 plus that do not travel, but practice, correct?

13 A. That seems to be the case, yes.

14 MR. FRANK: Your Honor, I object to asking the witness
15 to interpret e-mails he read into the record.

16 THE COURT: Let's go forward.

17 Q. Okay. I'd now like to next to go to Exhibit 75, please.
18 If we could go to the last line of Exhibit 75, please,
19 Mr. Wilson asks Mr. Singer "When do I make first donation?",
02:39 20 correct?

21 A. Correct.

22 Q. He uses the word "donation"?

23 A. Yes.

24 Q. And he modifies it with "first"?

25 A. Correct.

1 Q. So you agree with me that implies there's going to be at
2 least a second donation?

3 A. Yes.

4 Q. Okay. This e-mail is dated August 2013. Are you aware
5 where Mr. Wilson is living at this time?

6 A. I'm not.

7 Q. Okay. If you take a look at the top of page, that second
8 page we're at, he states "Where do we stand on applications? I
9 assume they are all out and can you please send me electronic
02:39 10 copies. What progress is Johnny making on the essays et
11 cetera? Back up schools and USC?"

12 You agree with me Mr. Wilson is asking Mr. Singer to
13 update him on what his son Johnny is doing?

14 A. Yes. I agree.

15 Q. "What progress is Johnny making on the essays et cetera?
16 Back up schools and USC?". You see what I'm referring to?

17 A. Yes.

18 Q. Okay. And if we take a look at the last line on page 75,
19 we see Mr. Wilson is e-mailing from John.Wilson@staples.eu.

02:40 20 You understand enough about the internet to agree that "eu"
21 indicates it's an e-mail account in Europe?

22 A. Again, I don't have the basis to say that but that seems
23 to make sense.

24 Q. You've never seen "eu" on a European e-mail account.

25 A. .eu? I don't think so. I've seen country specific

1 domains, but not .eu.

2 Q. Okay. And then, if we could go to the middle of that
3 page, you see where it says "I believe", if we could highlight
4 that line? He writes -- so Mr. Singer writes to John, who's at
5 Staples.eu, "I believe I have everything. Transcript, test
6 scores, and a player profile so he can add Johnny to his
7 recruit list and present him to admissions in October".

8 You see there's a reference to player profile,
9 correct?

02:41 10 A. Yes.

11 Q. And Mr. Singer says he has everything. So that includes a
12 player profile?

13 A. That seems to be the implication.

14 Q. Okay. And then if we could then put that aside and go to
15 Exhibit 83. And if we could go to the third page, please, at
16 the bottom, we see there at the second line from the bottom
17 Mr. Wilson is -- bottom of the second -- of the third page,
18 please, starting on October 12th. Okay.

19 On October 12, 2013, Mr. Wilson sends an e-mail to
02:42 20 Mr. Singer. And this time he's sending it from a Hyannis Port
21 Capital e-mail account, not the Staples one, correct?

22 A. Right.

23 Q. And he writes "Hope all is well. I wanted to catch up on
24 where the college app process stands," and then we go to the
25 next page, "the total application status and when J is taking

1 the new SAT and ACTs et cetera. Is there a time we can chat
2 today or tomorrow? John".

3 Again, he's asking Mr. Singer to update him on what
4 his son is doing, correct?

5 A. Yes.

6 Q. Okay. And he's referring to retaking the SAT and ACTs
7 again, correct?

8 A. Yes.

9 Q. Okay. Let's go back to the third page, the response
02:43 10 that's just above this e-mail exchange. It starts with "common
11 application". He wrote, "common application will be submitted
12 between December 1st and 15th after the next test dates and
13 apps done. Jovan has Johnny's stuff and asked me to embellish
14 his profile more, which I am doing".

15 Okay. So he's referring to embellishing a profile,
16 correct?

17 A. Yes.

18 Q. If we look up a couple lines above that where it says "R,
19 thanks", John then writes to Mr. Singer, "When is Johnny going
02:44 20 to have his profile and teacher recs done? What about other
21 essays? Also, when is Jovan going to be able to give us a
22 decision on USC? And when do I pay you?"

23 Okay. Now, if we take a look just above that to
24 Mr. Singer's response, "First is to finalize the Personal
25 Statement - this is all about Johnny putting in time not me -

1 my work is done quickly or is done". Then he responds, "The
2 profile I am assuming you are speaking about Navience".

3 So we have Mr. Singer refers to a profile. John asks
4 when's the profile going to be done. Then Singer says, I
5 assume you're referring to a Navience profile, correct?

6 A. Yes.

7 Q. Do you know what a Navience profile is?

8 A. No idea.

9 Q. From the days when you applied to college, they didn't
02:45 10 have Navience as the --

11 A. No.

12 Q. -- system? You're not here testifying that Navience is
13 referring to a sports profile for USC, are you?

14 A. I don't know what a Navience profile is.

15 Q. Okay. All we know is, when John Wilson is, from wherever
16 he is, is trying to connect with Mr. Singer and say what about
17 this profile you've just mentioned, Mr. Singer focuses him on a
18 Navience profile, correct?

19 MR. FRANK: I object to "all we know".

02:46 20 THE COURT: Sustained.

21 Q. Excuse me. Excuse me.

22 You see in the e-mail when Mr. Wilson asks about
23 when's the profile going to get done, Mr. Singer tells him, I
24 assume you're talking about a Navience profile?

25 A. That's what the e-mail says, yes.

1 Q. Nowhere does Mr. Singer say, I assume you're talking about
2 a USC sports profile, correct?

3 A. That's not what he says, no.

4 Q. Okay. And you have no idea what's the difference between
5 the two, correct?

6 A. No.

7 Q. Okay. If we could take a look at the very bottom of
8 page 2, he writes "Do you have his latest" -- it starts October
9 13, 5:20 a.m. John Wilson at Hyannis Port Capital writes to
02:47 10 Mr. Singer.

11 Then we go to the top of page 3. "Do you have his
12 latest personal statement draft? Can you forward it and I will
13 talk with him about it. Does he have all your feedback and
14 clear on what additional improvements you suggest?"

15 Here he's focusing on the son's essay, correct?

16 A. Yes. That appears to be.

17 Q. And then Mr. Singer responds, "I sent it to you and Leslie
18 last week". You see that at the bottom of page 2?

19 A. Yes.

02:47 20 Q. And then John says, "ok that's still the latest"?

21 A. Yes.

22 Q. Okay. And if we go to page -- top of page 1, about a
23 third of the way down, on October 13, 2013, e-mail from Rick
24 Singer, who writes "I took the liberty of completing the
25 essay". And we see the title is "Life Lessons From The Water".

1 Do you see that?

2 A. Yes.

3 Q. So if we look at the top e-mail in this chain, we see
4 Mr. Wilson's response is "Rick, thanks so much. Looks great.
5 Several quick suggestions to wrap this up. That I edited
6 below". And then he proposes a title. He wants to split the
7 second to last paragraph. He proposes some edits, correct?

8 A. Yes.

9 Q. So, in this one chain, we have Mr. Wilson doing multiple
02:48 10 e-mails with Mr. Singer just about the essay, correct?

11 A. Yes. They mentioned it many times.

12 Q. Okay. If we can go to the Exhibit 89, which we discussed.
13 Okay. If we could go to the bottom third of Exhibit 89,
14 please. It's Wednesday, October 23, 2013,
15 JohnWilson@Hyannisportcapital.com. "R, what are the
16 expectations if Johnny gets into USC through this water polo
17 approach?" Do you see that?

18 A. Yes.

19 Q. "Does he have to play Stanford club in addition to Sopen
02:49 20 club and/or varsity swim team?"

21 Do you know what the Stanford club team is?

22 A. No.

23 Q. Do you know what the Sopen club team is?

24 A. No.

25 Q. You certainly know what a varsity swim team is, high

1 school varsity swim team, correct?

2 A. Yes.

3 Q. So you don't know how many even club teams and school
4 teams Johnny is on, do you?

5 A. No.

6 Q. But this, apparently, is referring to two club teams and a
7 varsity swim team on top of the school water polo team.

8 A. Not sure where it mentions the school water polo team, but
9 it definitely mentions those three.

02:50 10 Q. Okay. So it's those three, not counting a school water
11 polo team, correct?

12 A. Yeah. There doesn't appear to be a mention of a school
13 water polo team.

14 Q. And then Mr. Singer responds, "Just be ready for practice
15 in the fall as a player on the roster or just a member of the
16 squad, but not get in the pool."

17 Now, you don't know what the phrase "not get in the
18 pool" means?

19 A. No, not necessarily. I assume it means not to get in the
02:50 20 pool.

21 Q. But you don't know what it means not to get in the pool
22 for what?

23 A. I assume for water polo, but I don't know.

24 Q. You don't know did what -- do you know if red shirts get
25 in the pool for games and matches?

1 MR. FRANK: Your Honor, the witness is not here to
2 interpret documents.

3 THE COURT: Sustained.

4 Q. Okay. You don't know what that phrase refers to, correct?

5 A. No.

6 Q. You don't know if there's any special language relating to
7 water polo that relates to it?

8 MR. FRANK: Objection. Asked and answered.

9 THE COURT: Sustained.

02:51 10 Q. Okay. Then we see the response is "Thanks we are
11 encouraging Johnny to focus on water polo this spring and he
12 will do Sopen and Stanford club", correct?

13 A. Yes.

14 Q. "Not varsity swimming - as that requires him to skip all
15 senior trips". Then it says, "That way he can take senior trip
16 to Spain for a week and also spend two weeks in the spring
17 coming to Europe to visit with us". Do you see that?

18 A. Yes.

19 Q. So Mr. Wilson is saying that when his son goes to Europe
02:52 20 he can visit with John?

21 A. Yes.

22 Q. That appears to indicate John is in Europe and the boy is
23 in California?

24 A. Yes.

25 Q. And then he says, "I strongly prefer he plays as hard as

1 he can and at least suits up and scrimmages with the team.

2 Would it also make sense for him to try a week of camp at USC",
3 correct?

4 A. Yes.

5 Q. And do you understand that if somebody suits up and
6 scrimmages, they'll be in a swimming pool?

7 A. If that's for water polo, yes.

8 MR. KENDALL: Next, if we could have Exhibit 101,
9 please. Okay.

02:53 10 Q. This is an e-mail between Mr. Singer and Mr. Vavic in
11 January 2014. We see in the middle of the line "Rick, is
12 Johnny still interested in USC, if so we need his fall grades
13 (unofficial is fine)". You see that?

14 A. Yes.

15 Q. Okay. So these -- we're talking about grades that are in
16 the fall, really in the middle of his senior year of high
17 school, correct?

18 A. Yes. That sounds correct.

19 Q. Okay. And then Singer's response is "absolutely, family's
02:53 20 ready to help. I will forward ASAP. Thank you".

21 And then Mr. Vavic writes "this will be a big class".
22 You see that?

23 A. Yes.

24 Q. "We already have 12 verbals and 16 very interested". You
25 don't know what verbals or very interested mean, I take it?

1 A. I assume a verbal is someone who has given --

2 Q. Please don't assume. If you know specifically --

3 MR. FRANK: Your Honor, this entire testimony he's
4 asking him to assume.

5 THE COURT: He is assuming. He can answer that.

6 A. I assume verbal -- verbals refer to verbal commitments to
7 attend and 16 would be potentially people interested in the
8 program.

9 Q. Okay. And it states -- and Vavic wrote, "I cannot
02:54 10 guarantee anything", correct?

11 A. Yes.

12 Q. Okay. Then I'd like to go to Exhibit 126, please. Okay.
13 If we could -- we see this is an e-mail from
14 DebbieRogers@hyannisportcapital.com?

15 A. Yes.

16 Q. Fair to say that indicates she has some employment or
17 other affiliation? She's using Hyannis Port Capital as her
18 e-mail address?

19 A. Yes.

02:55 20 Q. And it's to John Wilson and to Leslie Wilson both,
21 correct?

22 A. Yes.

23 Q. And it's dated July 31st, and it says "USC gift
24 acknowledgment", correct?

25 A. Yes.

1 Q. And it's from the "SC Trojan Athletic Fund", correct?

2 A. Yes.

3 Q. Okay. So we turn to page 2. It's John and Leslie Wilson
4 at 2 Fleur Place, Atherton. And they get a letter that says
5 "Thank you for your generous gift to USC athletic men's water
6 polo in the amount of \$100,000", correct?

7 A. Correct.

8 Q. "Maintaining state-of-the-art facilities is an essential
9 part of USC's commitment to excellence. Through your
02:56 10 contributions, you are helping the University achieve this
11 important goal." It says, "On behalf of the young athletes
12 that will benefit from your anonymous gift, thank you. Ron
13 Orr". It says it's anonymous, but they know it's from the
14 Wilson's, correct?

15 A. The school seems to know, yes.

16 Q. And it's from a man named Ron Orr, correct?

17 A. Yes.

18 Q. And his title is Associate Athletic Director?

19 A. Yes.

02:56 20 Q. So he's obviously an employee of USC?

21 A. Appears to be, yes.

22 Q. Okay. And he has some sort of management role if he's got
23 the title of Associate Athletic Director, correct?

24 A. That would be the assumption, yes.

25 Q. Okay. And there's a cc: to Jovan Vavic?

1 A. Yes.

2 Q. Okay. Then we have Exhibit 137. That's dated January 12,
3 2015, correct?

4 A. Yes.

5 Q. And if you take a look at the e-mail address, it's
6 JohnBWil@USC.edu. I take it as part of your preparation you've
7 determined that's Johnny Wilson's e-mail account at USC,
8 correct?

9 A. It appears to be, yes. I don't believe I independently
02:57 10 verified that's his e-mail address.

11 Q. Well, "edu" indicates a school, correct?

12 A. It does.

13 Q. USC is the school he was attending, correct?

14 A. Yes.

15 Q. Okay. And this father and son are similar names, but this
16 is JohnBWil@USC, correct?

17 A. Correct.

18 Q. You have no reason to believe that my client Mr. Wilson
19 was at USC, do you?

02:58 20 A. No.

21 Q. Okay. So -- and it's addressed to Jovan Vavic with an
22 e-mail address there. And he writes, "Hello Jovan, I hope that
23 you had a great break and wonderful holiday season. I wanted
24 to thank you and illustrate how profoundly appreciative I am
25 for the incredible opportunity you have given me here at USC as

1 an individual member on the team as well as a student at this
2 school".

3 So he writes he's a member of the team, correct?

4 A. Yes.

5 Q. Okay. And then he says, "it's a bigger commitment than I
6 had planned", and his grades reflected his inability to balance
7 sports and athletic life?

8 A. Yes.

9 Q. Okay. And he also notes he had a third concussion,
02:58 10 correct?

11 A. Yes.

12 Q. Obviously, based upon the e-mails you've read, it hasn't
13 shown where that third concussion took place, correct?

14 A. No. I don't know the details of that.

15 Q. Okay. And so he states he's going to resign from the
16 water polo team as a result of these issues, correct?

17 A. Yes.

18 MR. KENDALL: Your Honor, there's a couple of
19 scheduling things we need to discuss. This might be a good
02:59 20 time, and I can tighten up.

21 THE COURT: You may step down for the time being,
22 Mr. Brown.

23 We are going to be in recess, jurors, as I said.
24 Tomorrow we do not have a session, so you're off until Friday
25 morning. Friday morning at ten of 9:00 a.m. we'll return.

1 You'll have a full day on Friday.

2 Next week I'm hopeful that one of the days we're going
3 to be able to not have a session. We're going to talk about
4 that a little bit today, but I'll let you know on Monday.

5 So it is important now. You're going to have a full
6 day where you don't have to think about this case and where
7 people will no doubt ask you about the case. Again, honor my
8 instructions about not talking about this case with anyone else
9 or doing any independent research. That would be

03:00 10 inappropriate.

11 Have a pleasant rest of this day and a pleasant day
12 tomorrow off. I'll see you on Friday morning at 9:00 a.m.

13 (Jury exits.)

14 THE COURT: On Friday morning, how much longer on the
15 cross, Mr. Kendall?

16 MR. KENDALL: Not sure. I think it could be a half
17 hour to an hour, but I've got to go through things and
18 reorganize and tighten up.

19 THE COURT: And Mr. Kelly?

03:01 20 MR. KELLY: I'd say the same thing.

21 THE COURT: Half an hour to an hour.

22 MR. KELLY: Half an hour to an hour, and I've got to
23 reorganize as well.

24 THE COURT: Okay. And then after Mr. Brown?

25 MR. FRANK: Your Honor, given the way things are

1 going, I think we're going to change our witness order for
2 Friday. We have two witnesses -- I'm sorry. We have one
3 witness who's flying in from out of town, so we'd like to get
4 her on and off. So our current intention is to call Mikaela
5 Sanford after Special Agent Brown, and then two short
6 witnesses, Rachel Sih and Mark Deckett, and then Special Agent
7 Keating.

8 THE COURT: Rachel, how do you spell her last name?

9 MR. FRANK: S-i-h.

03:02 10 THE COURT: I'm sorry?

11 MR. FRANK: S-i-h.

12 THE COURT: And then who was after her?

13 MR. FRANK: Mark Deckett.

14 THE COURT: And those are short direct exams?

15 MR. FRANK: Yes, your Honor.

16 THE COURT: And then after that?

17 MR. FRANK: Special Agent Keating.

18 THE COURT: The one who was going to go forward.

19 MR. FRANK: Yes, your Honor.

03:02 20 THE COURT: All right.

21 MR. KELLY: I'm not sure I heard correctly. They're
22 taking those three out of order, or we're going to complete
23 Agent Brown? Did I mishear that?

24 THE COURT: We're going to complete Agent Brown first.

25 All right. Counsel, with respect to next week, it

1 would be better for the Court to have the day that we're not
2 going to have a session on Wednesday rather than Friday. Does
3 that create any problems for anybody?

4 MR. KENDALL: Your Honor, that may help solve some,
5 because Mr. Haden's lawyer told me he was not available for the
6 deposition on Friday. I can go back and check with him on
7 Wednesday.

8 THE COURT: Wednesday will be the day that we will not
9 have a session next week. We will have a session on Friday.

03:03 10 MR. KENDALL: May I ask another scheduling issue, your
11 Honor?

12 THE COURT: Yes.

13 MR. KENDALL: My instincts tell me that the
14 government's case may be going more quickly than we
15 anticipated, but it also indicates to me that to follow the
16 Court's preferences, we're going to probably have to put more
17 people in our case for things that we can't do in the
18 government's case.

19 Could we get an estimate from the government when they
03:03 20 realistically think they're going to rest, because I don't want
21 to be cut short and I need things to be lined up and ready to
22 go?

23 THE COURT: Can you estimate that at this stage,
24 Mr. Frank?

25 MR. FRANK: Well, I will tell you that this

1 cross-examination is far longer than I anticipated for a
2 reader. I guesstimate that we will fill the week next week,
3 and whether we bleed over into the following week is not clear
4 to me.

5 MR. KENDALL: Thank you.

6 THE COURT: Fair enough.

7 All right. There were two matters that the defendants
8 asked me with respect to limiting instructions to the jury.
9 Has the government had a chance to review those?

03:04 10 MR. FRANK: Yes, we have, your Honor.

11 THE COURT: And do you have a position on either or
12 both?

13 MR. FRANK: We oppose both of them and we don't
14 believe either one is -- in fact, we don't feel a limiting
15 instruction is necessary in either event, but we certainly
16 oppose these limiting instructions.

17 We -- with respect to the Jovan Vavic limiting
18 instruction, I made crystal clear the timing in my direct
19 examination. I was very, very careful about it. We were
03:04 20 explicit repeatedly in opening argument, in opening statements
21 about it, and we will continue to be explicit about it. So
22 there's really no need for the Court to give a characterization
23 of the facts, which is what the defense is essentially asking
24 for here.

25 With respect to the original instruction, we believe

1 that will be covered with the closing instructions. Those
2 recordings that we introduced are essentially it in terms of
3 recordings of conversations involving other parents. So there
4 will be other additional scheme evidence of a limited nature,
5 but nothing that I think would warrant this kind of
6 instruction. I think the First Circuit case law is clear that
7 this kind of instruction is not necessary.

8 THE COURT: All right. Mr. Kelly.

9 MR. KELLY: With respect to that last point, yes, I
03:05 10 think it's very necessary. It's hard to unring the bell, as
11 the Court well knows, when something like that is being put
12 into the record. And the jury's sitting there listening to all
13 this testimony about other parents. I understand the Court's
14 ruling, it goes to the context of the conspiracy, but as a lay
15 jury hearing it, I think they need to be informed that proof
16 that the defendants willfully joining the conspiracy must be
17 based upon the evidence of their own words or actions, not all
18 these other parents that they don't know. And that's the
19 suggestion he's trying to get into the jury box now well before
03:05 20 the Court instructs the jury. And it's clear First Circuit law
21 that willful joinder must be based upon evidence of the
22 defendant's own words.

23 It's dry in here. I'm not getting emotional. I
24 apologize. It's very stuffy.

25 So I think an instruction now is appropriate, your

1 Honor, and we would request it.

2 THE COURT: All right. I will take the matter under
3 advisement. We'll see you all --

4 MR. KENDALL: One last?

5 THE COURT: Yes.

6 MR. KENDALL: Miss Sanford, who they're calling on
7 Friday, we subpoenaed her for our case as well. She's a
8 witness that we will present testimony we want to do, and I
9 just need the Court's guidance. If you want me to have a tight
03:06 10 limited cross with her just to everything he touches and
11 nothing more, then we're going to have this woman fly back
12 across the country in another week. If the Court would have --

13 THE COURT: What will the nature of your direct part
14 of the exam be --

15 MR KENDALL: We would --

16 THE COURT: -- and how long?

17 MR. KENDALL: How long? I can get it done in, soup to
18 nuts, 60 to 90 minutes.

19 THE COURT: Mr. Frank, what's the government's
03:07 20 position?

21 MR. FRANK: Well, this is the first I'm hearing of it,
22 your Honor. I think we should take it as it goes. I can't --
23 first of all, she's not flying from across the country. She's
24 in Atlanta. We hope to get here out of here Friday. I don't
25 want to be unreasonable about it, but it's also awkward and

1 disruptive to have the defendants' case in the middle of the
2 government's case.

3 THE COURT: Yeah. I think if it was going to be
4 something limited, 60 to 90 minutes doesn't sound like it's
5 very limited, that counsel should be able to agree on this, but
6 if push comes to shove, I'm not going to force the government
7 to allow the defendants to put in -- their case in the middle
8 of the government's case if it's just a matter of relatively
9 unimportant material.

03:08 10 MR. KENDALL: It's not, your Honor.

11 THE COURT: Then, you know, I'd like to save her a
12 trip.

13 MR. KENDALL: Then I just wanted to be clear, your
14 Honor, we're going to do whatever the Court tells us. We're
15 going to have to call her back and put her on the defense case.
16 And so it may take more time from the jury overall if we split
17 it up. If that's the Court's order, we'll certainly follow it.

18 THE COURT: I commend counsel to try to work something
19 out, but if they can't, I'm not going to force the government
03:08 20 to allow a defendant -- a witness that the defendant is going
21 to call in their case-in-chief in the middle of the
22 government's case.

23 MR. FRANK: It would certainly be helpful if we had a
24 proffer of the expected testimony.

25 THE COURT: Yeah. If you want to talk to Mr. Frank

1 about the proffer of what is expected to be said, perhaps you
2 can work it out.

3 MR. KENDALL: It's all in the 302s, your Honor. It's
4 pretty much all in the 302s.

5 THE COURT: It's time to start the journey homeward,
6 and I don't know whether it's polite to say, but have a good
7 Yom Kippur.

8 MR. KENDALL: You've been very gracious, your Honor.
9 Thank you. They say have a gentle fast.

03:09 10 THE COURT: Have a gentle fast.

11 (Whereupon, the proceedings adjourned at 3:09 p.m.)

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I N D E X

Witness	Page
KEITH BROWN	
Direct Examination by Mr. Frank	8
Cross-Examination by Mr. Kendall	116

1	E X H I B I T S		
2	NO.		ADMIT
3	338	.....	11
4	339	.....	11
5	340	.....	11
6	341	.....	11
7	342	.....	11
8	345	.....	12
9	352	.....	14
10	363	.....	17
11	362	.....	18
12	361	.....	19
13	371	.....	23
14	372	.....	24
15	376	.....	26
16	381	.....	28
17	387	.....	30
18	390	.....	33
19	427	.....	34
20	467	.....	36
21	478	.....	38
22	505	.....	40
23	415	.....	42
24	396	44
25	439	44

	E X H I B I T S	
	No.	ADMIT
1		
2		
3	508	44
4	701	48
5	509	51
6	48	54
7	49	57
8	63	61
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11	74	64
12	75	65
13	81	67
14	83	68
15	84	71
16	85	72
17	88	74
18	87	75
19	89	78
20	101	83
21	710	84
22	109	86
23	110	88
24	112	89
25	120	91

1	E X H I B I T S		
2	No.		ADMIT
3	122	92
4	124	93
5	126	95
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1 C E R T I F I C A T E

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4 UNITED STATES DISTRICT COURT)5 DISTRICT OF MASSACHUSETTS)
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78 We, Kristin M. Kelley and Kelly Mortellite, certify
9 that the foregoing is a correct transcript from the record of
10 proceedings taken September 15, 2021 in the above-entitled
11 matter to the best of our skill and ability.
12
1314 /s/ Kristin M. KelleySeptember 15, 202115 /s/ Kelly MortelliteSeptember 15, 202116 Kristin M. Kelley, RPR, CRR
17 Kelly Mortellite, RMR, CRR
18 Official Court Reporter
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Date